

# Exhibit A



Deposition of:  
**Elizabeth Vail Fortson**

*February 17, 2021*

In the Matter of:  
**Fortson, Elizabeth V et al v. Garrison  
Property & Casualty Insurance Co**

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1 UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
3 Civil Action No. 1:19-cv-00294-CCE-JLW

4 ELIZABETH V. FORTSON, on :  
5 behalf of herself and all :  
6 others similarly situated, :

7 Plaintiff, :

8 vs. :

9 GARRISON PROPERTY AND :  
10 CASUALTY INSURANCE :  
11 COMPANY, :

12 Defendant. :

13 - - -

14 VIDEO DEPOSITION OF ELIZABETH FORTSON  
15 (Taken by the Defendant)  
16 Raleigh, North Carolina  
17 February 17, 2021

18  
19  
20  
21  
22 Reported by: Jackie Johnson Milam  
23 Court Reporter  
24 Notary Public  
25

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<div>1 APPEARANCES:</div> <div>2</div> <div>3 Hendren Redwine &amp; Malone, PLLC</div> <div>4 BY: J. MICHAEL MALONE, ESQUIRE</div> <div>5 (Via Virtual Zoom)</div> <div>6 4600 Marriott Drive</div> <div>7 Suite 150</div> <div>8 Raleigh, North Carolina 27612</div> <div>9 mmalone@hendrenmalone.com</div> <div>10</div> <div>11 Hagens Berman Sobol Shapiro LLP</div> <div>12 BY: TORY BEARDSLEY, ESQUIRE</div> <div>13 (Via Virtual Zoom)</div> <div>14 11 West Jefferson Street</div> <div>15 Suite 1000</div> <div>16 Phoenix, Arizona 85003</div> <div>17 toryb@hbss.com</div> <div>18 Attorneys for Plaintiff</div> <div>19 Baker &amp; Hostetler LLP</div> <div>20 BY: ANDREA C. WILTROUT, ESQUIRE</div> <div>21 RODGER L. ECKELBERRY, ESQUIRE</div> <div>22 (Via Virtual Zoom)</div> <div>23 200 Civic Center Drive</div> <div>24 Suite 2200</div> <div>25 Columbus, Ohio 43215</div> <div>awilttrout@bakerlaw.com</div> <div>reckelberry@bakerlaw.com</div> <div>Attorneys for Defendant</div> <div>---</div> <div>Video Deposition of ELIZABETH FORTSON, taken by</div> <div>the Defendant in Raleigh, North Carolina, on the 17th</div> <div>day of February, 2021 at 11:00 a.m., before Jackie</div> <div>Johnson Milam, Court Reporter and Notary Public.</div>	<div>1 PROCEEDINGS:</div> <div>2 THE VIDEOGRAPHER: Good morning everyone.</div> <div>3 We are going on the Record. The time on the monitor</div> <div>4 is approximately 11:00 a.m. Eastern standard time.</div> <div>5 The date is February 17, 2021. This is</div> <div>6 media unit #1 of the video recorded deposition of</div> <div>7 Elizabeth Vail Fortson taken by counsel for the</div> <div>8 Defendant in the matter of Elizabeth V. Fortson on</div> <div>9 behalf of herself and all other similarly situated,</div> <div>10 Plaintiff versus Garrison Property and Casualty,</div> <div>11 Defendant.</div> <div>12 The case is filed in the United States</div> <div>13 District Court for the Middle District of North</div> <div>14 Carolina. Case No. 1:19-cv-00294-CCE-JLW.</div> <div>15 This deposition is being held virtually on</div> <div>16 Zoom. My name is Sean Lowther. I'm the</div> <div>17 videographer, and the court reporter is Jackie</div> <div>18 Johnson, and we're representing Veritext Legal</div> <div>19 Solutions.</div> <div>20 If counsel would please introduce</div> <div>21 themselves and whom they are representing, starting</div> <div>22 with Attorney Wilttrout.</div> <div>23 MS. WILTROUT: Andrea Wilttrout on behalf of</div> <div>24 the Defendant, Garrison.</div> <div>25 MR. MALONE: Mike Malone on behalf of the</div>
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<div>1 CONTENTS</div> <div>2</div> <div>3</div> <div>4 The Witness: ELIZABETH FORTSON</div> <div>5 By Ms. Wilttrout.....6</div> <div>6</div> <div>7 INDEX OF THE EXHIBITS</div> <div>8 For the Defendant</div> <div>9</div> <div>10 Exhibit 1 Photographs.....24</div> <div>11 Exhibit 2 Claims File.....38</div> <div>12 Exhibit 3 CCC One Market Valuation Report</div> <div>13 10/26/18.....58</div> <div>14 Exhibit 4 Garrison Loss Summary.....91</div> <div>15 Exhibit 5 Letter from J. Michael Malone to</div> <div>16 USAA 11/14/17.....95</div> <div>17 Exhibit 6 Certified Policy.....106</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>1 Plaintiff.</div> <div>2 MR. ECKELBERRY: Rodger Eckelberry also for</div> <div>3 Defendant.</div> <div>4 MS. BEARDSLEY: Tory Beardsley of Hagens</div> <div>5 Berman Sobol Shapiro on behalf of Plaintiff.</div> <div>6 THE VIDEOGRAPHER: Thank you.</div> <div>7 And at this time, if the court reporter</div> <div>8 would please swear in the witness.</div> <div>9 Whereupon,</div> <div>10 ELIZABETH FORTSON,</div> <div>11 having been duly sworn,</div> <div>12 was examined and testified as follows:</div> <div>13 MS. WILTROUT: Okay. Hi there. My name is</div> <div>14 Andrea Wilttrout, and I'm just going to ask you a</div> <div>15 couple of questions.</div> <div>16 First, before we get started, what name do</div> <div>17 you prefer? Do you prefer --</div> <div>18 MR. MALONE: Andrea, real quick -- Andrea,</div> <div>19 real quick. We wanted to knock out that stipulation.</div> <div>20 MS. WILTROUT: I'm going to. Okay. I was</div> <div>21 going to do that --</div> <div>22 MR. MALONE: Okay.</div> <div>23 MS. WILTROUT: -- after I got through the</div> <div>24 formalities.</div> <div>25 MR. MALONE: Okay.</div>

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<p>1 MS. WILTROUT: So just --</p> <p>2 MR. MALONE: Oh, I got you. I apologize.</p> <p>3 Okay.</p> <p>4 MS. WILTROUT: -- real quick. Yeah.</p> <p>5 MR. MALONE: I just didn't want us to</p> <p>6 forget. Okay.</p> <p>7 MS. WILTROUT: Ms. Fortson -- I have it</p> <p>8 written down.</p> <p>9 MR. MALONE: Okay. Got it.</p> <p>10 EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>11 BY MS. WILTROUT:</p> <p>12 Q. Ms. Fortson, what should I call you?</p> <p>13 A. You can call me Vail.</p> <p>14 Q. Vail. Okay.</p> <p>15 Could you please state your full name for the</p> <p>16 Record?</p> <p>17 A. Elizabeth Vail Fortson.</p> <p>18 MS. WILTROUT: Okay. So I'm going to ask</p> <p>19 you a series of questions today.</p> <p>20 I wanted to state, for the Record, that we</p> <p>21 have agreed, prior to the beginning of this</p> <p>22 deposition, that all objections are reserved except</p> <p>23 as to form.</p> <p>24 MR. MALONE: Agreed.</p> <p>25 MS. WILTROUT: Thank you.</p>	<p>1 I don't expect this to last all day, but we</p> <p>2 can take breaks if we need them. So if you need to</p> <p>3 take a break, just let we know, and I'll be happy to</p> <p>4 accommodate.</p> <p>5 The only thing I ask is that we take a</p> <p>6 break after you've answered the question that's</p> <p>7 happening at the time.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. WILTROUT: Okay. Your lawyer may object</p> <p>10 to some of the questions that I ask today. That's</p> <p>11 his right to do that. He's making the objections to</p> <p>12 preserve them for the Record, although he might make</p> <p>13 less than normal.</p> <p>14 You are still required to answer the</p> <p>15 question even over your lawyer's objection, unless he</p> <p>16 specifically instructs you not to do that; is that</p> <p>17 good?</p> <p>18 THE WITNESS: Yes.</p> <p>19 MS. WILTROUT: Okay. Great.</p> <p>20 BY MS. WILTROUT:</p> <p>21 Q. All right. I'm going to start out with an easy</p> <p>22 one. What is your birthday?</p> <p>23 A. 10/4/87.</p> <p>24 Q. Okay. So that makes you how old?</p> <p>25 A. I'm 33.</p>
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<p>1 THE WITNESS: A phone call came in.</p> <p>2 MS. WILTROUT: Oh, are you good?</p> <p>3 THE WITNESS: Yeah, I'm good. I just</p> <p>4 declined it. Sorry.</p> <p>5 MS. WILTROUT: Okay. Cool.</p> <p>6 This is, you know, still unchartered -- new</p> <p>7 territory for everybody here. So if there's</p> <p>8 technical issues, I've been on enough of these calls,</p> <p>9 we can fix anything. You can get back on. So it's</p> <p>10 okay.</p> <p>11 THE WITNESS: Okay. Good.</p> <p>12 MS. WILTROUT: So the court reporter is</p> <p>13 going to take down everything that you or I or your</p> <p>14 attorney or anyone says. So to that end, it's</p> <p>15 important that you give your answers out loud. She's</p> <p>16 not going to be able to record if you nod your head</p> <p>17 or shake your head or just give an uh-huh. So it's</p> <p>18 just important to audibly answer all of my questions</p> <p>19 with a clear yes or no or a response. Got it?</p> <p>20 THE WITNESS: Okay.</p> <p>21 MS. WILTROUT: Okay. Cool.</p> <p>22 It's also important if you wait until my</p> <p>23 question is done before you answer. I will try to</p> <p>24 make sure to wait until you're done with your answer</p> <p>25 before I ask my next question.</p>	<p>1 Q. What is your address?</p> <p>2 A. My current address?</p> <p>3 Q. Yes.</p> <p>4 A. 201 South Elliott Road, Apartment 734, Chapel</p> <p>5 Hill, North Carolina 27514.</p> <p>6 Q. Did you just move there?</p> <p>7 A. I moved here about three years ago.</p> <p>8 Q. Oh, okay. So you've been there for a while.</p> <p>9 Okay. Are you married?</p> <p>10 A. No.</p> <p>11 Q. Do you have any kids?</p> <p>12 A. No.</p> <p>13 Q. What is the highest level of education that</p> <p>14 you've completed?</p> <p>15 A. I have a Bachelor's.</p> <p>16 Q. Where did you get your Bachelor's?</p> <p>17 A. I finished it at the University of Alabama.</p> <p>18 Q. What did you study?</p> <p>19 A. I ended up having a history, geography, and</p> <p>20 forestry.</p> <p>21 Q. Do you have any certifications?</p> <p>22 A. I don't think so.</p> <p>23 Q. Okay. Are you currently employed?</p> <p>24 A. No.</p> <p>25 Q. What was your last job?</p>

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<p>1 A. Oh, actually, I'm technically employed through my 2 father. 3 Q. Okay. What do you do for him? 4 A. Whatever work he needs me to do. 5 Q. Okay. What's his business? 6 A. It's a consulting business. He does IT 7 consulting work. 8 Q. How long have you worked for him? 9 A. Several years. 10 Q. Okay. Have you ever had a job in the insurance 11 industry before? 12 A. No. 13 Q. Have you ever worked for a car dealer before? 14 A. No. 15 Q. Have you ever worked for a car manufacturer? 16 A. No. 17 Q. Any jobs at all in the automotive industry? 18 A. No. 19 Q. Okay. Is there any reason -- I have to ask this 20 next couple of questions, even though they might sound 21 kind of weird. 22 Is there any reason that you can't proceed with 23 the deposition today? 24 A. No. 25 Q. Are you on any medications or drugs that might</p>	<p>1 MR. MALONE: No, that was -- 2 THE WITNESS: No, there was not a lawsuit. 3 MS. WILTROUT: Okay. Okay. 4 MR. MALONE: No. 5 USAA Garrison has the right to conduct an 6 examination under oath, and they exercised that right 7 as part of their investigation of the injury claim. 8 MS. WILTROUT: Okay. All right. 9 BY MS. WILTROUT: 10 Q. So other than that, have you ever been a party to 11 a lawsuit? 12 A. No. 13 Q. Okay. Have you ever been a member of a class 14 action or -- I'm sorry. Let me start over. 15 Have you ever been a class member in a class 16 action lawsuit, that you are aware of? 17 A. No. 18 Q. Have you ever testified under oath before -- 19 A. No. 20 Q. -- other than the examination that we just talked 21 about? 22 A. No. 23 Q. What did you do to prepare for your deposition 24 today? 25 A. I worked with my lawyers. I studied and, you</p>
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<p>1 impact your ability to remember events or give truthful 2 testimony? 3 A. No. 4 Q. Have you ever been deposed before? 5 A. Yes. 6 Q. When were you deposed before? 7 A. Like in 2017, I think. I can't remember quite 8 the year. 9 Q. Okay. What case was that in? 10 A. That was in my settlement case for USAA for my 11 car accident. 12 Q. Okay. Was that the only time that you were 13 deposed before then? 14 A. Yes. 15 MR. MALONE: Andrea, if I may interject, 16 just to clarify. 17 That was actually an examination under oath 18 under the terms of the UM coverage as part of her 19 injury claim, as opposed to a deposition, but there 20 was a court reporter nonetheless. 21 MS. WILTROUT: Okay. 22 MR. MALONE: So it was actually an 23 examination under oath, but anyway. 24 MS. WILTROUT: Okay. Okay. 25 Was there a formal lawsuit filed?</p>	<p>1 know, I've been involved in the case from the get-go. 2 So kind of that. 3 Q. Okay. I don't want to hear -- I don't want -- 4 I'm not asking you about conversations that you had with 5 your attorney, but I just want to know something about 6 your prep. 7 When did you meet with your attorney? 8 A. We met last Thursday and then yesterday. 9 Q. For about how long did you guys meet? 10 A. I guess each time was about 45 minutes, and then 11 I studied on top of that. 12 Q. What did you study? 13 A. An outline, and then I made flash cards. 14 Q. Did you write the outline? 15 A. No. 16 Q. Who wrote the outline? 17 A. I'm not really -- that's my lawyers, because I do 18 not know. 19 Q. Did you go through any documents? 20 A. Yes. 21 Q. You went through documents. 22 Do you recall which documents? 23 A. There was a CCC report. There was a document 24 from October 2016 from USAA. There was some other 25 documents, but I can't remember specifically.</p>

<p>Page 14</p> <p>1 I'm more of a visual person. So if I see it, I 2 could tell you. 3 Q. Okay. Okay. Did you just speak with Mr. Malone 4 or were there other lawyers present? 5 A. There were lawyers from Hagens Berman as well. 6 Q. Do you remember their names? 7 A. Tory and, I think -- oh, what was the other guy's 8 name? 9 Q. John? 10 A. Was it John? Yeah, John. 11 Q. Okay. John. So Tory, John, and Mike. Okay. 12 Were you guys in person? 13 A. Yes. On Zoom. 14 Q. Have you talked with anybody else about this 15 deposition? 16 A. No. 17 Q. So do you understand that we're here today to 18 talk about the claims that you've made in a lawsuit 19 against Garrison? 20 A. Yes. 21 Q. All right. I'd like to begin by asking you to 22 tell us, in your own words, what it is that you contend 23 that Garrison did wrong? 24 MR. MALONE: I'll object to the form. I 25 would object to the form.</p>	<p>Page 15</p> <p>1 But you can go ahead and answer, Vail. 2 THE WITNESS: They did an unlawful or an 3 illegal, and they broke the law and the insurance 4 policy by doing an unitemized and random condition 5 adjustment that -- to adjust the payment claim -- to 6 adjust the payments. 7 BY MS. WILTROUT: 8 Q. And just to clarify. Who -- which entity are you 9 alleging did that in this lawsuit, which company? 10 A. I guess Garrison. 11 Q. Garrison. Okay. I just wanted to clarify that. 12 Okay. So you said that they -- let me -- they 13 used an unitemized and random condition adjustment. 14 Tell me how you know that it was random. Tell me more 15 about that. 16 A. Well, if you look on the CCC report, you can see 17 that they tell you when the mileage is, and they deduct 18 that, and where they do like the -- you know, if you 19 have more, you know, amenities or not on your car, 20 whatever you say, you know, and then -- but there's this 21 other one that they don't clarify what it is. It just 22 says condition, and they deduct \$722.00 off of every 23 other comparable -- comparable vehicle, and there's no 24 reason or statement why. That's why we're arguing. 25 Q. Okay. What should they have done?</p>	<p>Page 16</p> <p>1 A. Well, it doesn't even map it out on the like -- 2 on the graph they have or chart. It doesn't even 3 explain it. 4 Q. Okay. 5 A. And how can every car be the same deduction? 6 Q. Well, let's talk about your car. 7 Tell me what car you had that is the subject of 8 your claim. 9 A. I had a Cadillac CTS, I believe it was, that my 10 grandfather had gifted me three months prior. 11 Q. Do you remember what year it was? 12 A. It was like a 2014, I think, or something around 13 then. 14 Q. Could it have been a little older, like maybe a 15 2004? 16 A. Maybe that. I don't -- I have a brain injury. 17 I'm sorry. 18 Q. Oh, that's fine. 19 So you said you got it. You had it for about 20 three months; is that right? 21 A. Uh-huh. 22 Q. So did your grandpa give it to you as like a 23 present or do you -- 24 A. Yes. 25 Q. Okay. So tell me what you remember about when he</p>	<p>Page 17</p> <p>1 gave you the car. 2 A. He wanted to give it to me for a while, but I 3 wasn't able to come down until the summer, and they had 4 it, and so they gave it to me. He had gotten it -- when 5 I came down, I was down for like a week, and they -- he 6 got it serviced while I was there, fully serviced. We 7 took it to the shop. We got new tires put on it, 8 everything like that, and then I took it back. 9 It had been running fine, and then all of a 10 sudden something happened, and it died, and then I had 11 my accident. But it was in really good condition, and 12 it was a good car. 13 Q. It was a good car? 14 A. Uh-huh. 15 Q. Just to break down what you just said. 16 Do you remember when your grandpa got the 17 vehicle? 18 A. I think he had it for about like four months 19 prior to that. He had gotten it from my dad's cousin, 20 and she had bought it brand new. So -- 21 Q. So had your dad's cousin purchased it in 2004? 22 A. Yes, from a Cadillac dealership. 23 And she had only had it serviced at the Cadillac 24 dealership. 25 Q. Okay. And when did she -- when did he buy it</p>
--	---	---	--



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1 from her? When did your grandpa buy the car from your  
2 dad's cousin?  
3 A. Technically, when I went down there in the  
4 summer, but she was just storing it there for four  
5 months, because she had just gotten a new car, and my  
6 grandparents had a very big driveway in Florida.  
7 So I mean, she'd come by and get it sometimes,  
8 but -- and they were also elderly, but they also had it  
9 there just to take care of family and knowing that it  
10 was going to go to me at some point.  
11 Q. Okay. So this was in Florida.  
12 Did you have to -- did you have to travel down  
13 from North Carolina to get the car --  
14 A. Yes.  
15 Q. -- from Florida?  
16 Okay. Do you know if your grandpa paid for the  
17 car --  
18 A. Yes.  
19 Q. -- paid your -- do you know how much he paid?  
20 A. I think around like \$6,000.  
21 Q. Okay. So the car sat for four months, and then  
22 you came down, and then what happened next?  
23 A. It didn't really sit for four months, because it  
24 was still driven.  
25 Q. Oh, it was still driven during that time?

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1 A. Yeah.  
2 Q. Okay. Who was driving it?  
3 A. My grandparents and then, also, as I said, my  
4 cousin would still come down and get it sometimes as  
5 well.  
6 Q. Okay. During that time, do you know if there was  
7 any service performed on the car?  
8 A. Personally me, no, I do not.  
9 Q. Okay. Do you remember any services performed on  
10 the car after you came down to Florida?  
11 A. Me, I do not remember any services done on the  
12 car while I had it. No.  
13 Q. Okay. Do you remember your grandpa having  
14 services performed on the car before he gave it to you?  
15 A. Yes, I was -- I was there. He had it fully  
16 serviced and put new tires on it.  
17 Q. Okay. So you were present at the service --  
18 A. Yes.  
19 Q. -- that your grandpa did?  
20 Okay. Okay. So tell me -- tell me about that.  
21 A. We went to the shop that's just around the corner  
22 and they took it to before, and then they did a full  
23 servicing on it and then -- like, you know, oil change,  
24 alignment, everything, and brakes, whatever, and then  
25 put new tires on it.

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1 Q. What was the name of the shop that they took it  
2 to that was around the corner?  
3 A. I'm not -- I'm not sure I recall that. I just  
4 know where it is.  
5 Q. You just know where it is. That's how I am with  
6 car places, too.  
7 Do you remember if it was a local store or if it  
8 was a national chain?  
9 A. I think it's a local place.  
10 Q. Okay. And I heard in your answer that they took  
11 it somewhere else from the shop?  
12 A. That's not what I -- no.  
13 Q. Oh, okay. Did they do all the maintenance  
14 there --  
15 A. Yes.  
16 Q. -- at the shop?  
17 Okay. Did they do it all in the same day?  
18 A. Yes.  
19 Q. Did you guys wait at the service appointment?  
20 A. No, because we drove two cars there. So we took  
21 one back.  
22 Q. Okay. Do you know how long the car -- how long  
23 it was before you picked up the car?  
24 A. It was like all day or it might have been the  
25 next day, but it was -- it was a really -- it was a

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1 while. So --  
2 Q. Do you know how long it took for them to work on  
3 the car?  
4 A. It was at least all day or we might have picked  
5 it up the next day, but it was a very long time, because  
6 we took it in the morning, and I know we were there --  
7 it was there for a long time.  
8 Q. Okay. And so you said they gave you new brakes,  
9 right?  
10 A. Yes, I believe so.  
11 Q. Did they do anything to the tires?  
12 A. They gave us new tires and an alignment.  
13 Q. Did you go anywhere else with your grandpa to get  
14 work done on the vehicle?  
15 A. No.  
16 Q. Do you remember who paid for the services?  
17 A. My grandfather.  
18 Q. That was very nice of him.  
19 Do you know how much it was?  
20 A. No. He wouldn't have let me know that.  
21 Q. Did he pay like that day?  
22 A. Yes.  
23 Q. Okay. So about what time of year did this  
24 happen?  
25 A. Summer 2016.



<p style="text-align: right;">Page 22</p> <p>1 Q. Do you remember doing any service on the car 2 after the summer of 2016? 3 A. Not that I recall. 4 Q. Did you do anything to the vehicle after you 5 received it? 6 A. No. 7 Q. Do you remember how many miles the car had on it 8 when you received it? 9 A. No idea. 10 Q. Okay. Do you know how many miles you drove it 11 after you received it? 12 A. Probably not a lot. 13 My mom had cancer at the time. So I wasn't going 14 anywhere. 15 Q. Okay. So I might have already asked you this, 16 but I just want to confirm. 17 Did you have any maintenance performed on the 18 car -- 19 A. No. 20 Q. -- after receiving it? 21 A. Not that I recall. 22 Q. And approximately how long did you have the 23 vehicle before the accident? 24 A. Three months. 25 Q. All right. Can you pull up a document that is</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I see my totaled car. 2 Q. Okay. I want you to go to the Page No. 7 of 3 those pictures. 4 A. Okay. 5 Q. And look on the bottom right-hand corner, and you 6 should see Garrison P&amp;C 00073; do you see that? 7 A. Yes. 8 Q. Okay. What do you see in that picture? 9 A. I see that it's an oil change for 11/15 and the 10 miles at 73,555. 11 MS. WILTROUT: I'd like to mark this 12 document as Exhibit 1 to the deposition. 13 (Defendant's Exhibit No. 1 was marked for 14 identification) 15 BY MS. WILTROUT: 16 Q. Do you remember having this sticker on your car? 17 A. No. 18 Q. No? 19 A. I mean, I guess it was there, but I don't 20 remember it there. 21 Q. Okay. Do you remember getting a sticker like 22 this when you had the maintenance done with your 23 grandpa? 24 A. That wouldn't have been the right year, because I 25 wouldn't have had the car then.</p>
<p style="text-align: right;">Page 23</p> <p>1 labeled as Garrison P&amp;C -- 2 A. Okay. One second. I've got to log back into the 3 computer. I was off it too long. 4 Q. Are you on your phone? 5 A. Yes. 6 Garrison P&amp;C, yes. 7 Q. Let me know when you've got it up. 8 A. Okay. Okay. I see it. 9 Q. Do you see the little -- do you see the little 10 numbers on the bottom of the pages? 11 A. Yes. 12 Q. Okay. Can you go to the one that is 73 which, I 13 think, is like the seventh page of the document. 14 A. I'll need to open up the right one. Garrison 15 P&amp;C, this one has 11 pages on it. 16 Q. Yeah, that should be right. 17 A. Okay. I thought you said you wanted me to go to 18 -- I thought you said Page 76. Which page do you want 19 me to go to? 20 Q. There should be little numbers on the bottom of 21 the page. 22 A. Oh, okay. Got you. 23 Okay. I see. I see. 24 Q. Okay. Do you see a sticker or a picture? Tell 25 me what you see in the picture.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. But do you remember getting another 2 sticker or notice showing you when the oil was changed 3 after that? 4 A. I should have, because the oil was changed. 5 Q. Okay. So as of -- and so what date did the 6 accident happen? 7 A. October 2, 2016. 8 Q. Okay. So as of -- by that day, was the vehicle 9 in pretty good condition? 10 A. It was in really good condition. 11 Q. Had the interior been shampooed? 12 A. Yeah. It was in good condition. 13 Q. Okay. Do you remember having the interior 14 shampooed? 15 A. Yeah. I would take it to the -- to the car wash. 16 Q. Okay. Did you get the exterior cleaned at the 17 car wash? 18 A. Yes. 19 Q. And did you get the inside cleaned too? 20 A. Sometimes you take it to the place -- there's a 21 particular place they get it done inside, the detailing 22 place. 23 Q. Did you take the car to that detailing place? 24 A. Yeah. There's a good one in Fayetteville. 25 Q. Okay. Do you remember when you took that car --</p>

<p style="text-align: right;">Page 26</p> <p>1 took your Cadillac CTS to the interior detailing place?</p> <p>2 A. No, I can't remember that time.</p> <p>3 Q. But do you remember that you did it?</p> <p>4 A. I know that I would do it around that time, yes,</p> <p>5 but I can't remember the exact date. No.</p> <p>6 Q. Okay. Did you ever have the leather</p> <p>7 reconditioned in the car?</p> <p>8 A. If I did the shampooing, it probably would do</p> <p>9 that too.</p> <p>10 Q. Go ahead and look at the pictures again, if you</p> <p>11 would, and go to the third picture, which is Garrison</p> <p>12 P&amp;C 00068.</p> <p>13 Do you remember having the scratch on the</p> <p>14 leather? Actually, tell me -- tell me what you see in</p> <p>15 this picture.</p> <p>16 A. I see a leather with a scratch in it.</p> <p>17 Q. Okay. Do you remember how that happened?</p> <p>18 A. I think I got it that way.</p> <p>19 Q. Okay. So this was before your dad's cousin --</p> <p>20 A. I think so.</p> <p>21 Q. Okay. And just to be clear.</p> <p>22 Is this what your seats looked like on the day of</p> <p>23 your accident?</p> <p>24 MR. MALONE: Objection.</p> <p>25 You can answer, Vail.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Tell me what you remember about the exterior of</p> <p>2 your car.</p> <p>3 THE WITNESS: The exterior was --</p> <p>4 MR. MALONE: Objection to form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: The exterior was in really</p> <p>7 good condition. There were no scratches or fading.</p> <p>8 BY MS. WILTROUT:</p> <p>9 Q. Okay. All right. So I don't need to know the</p> <p>10 details of the accident, but generally speaking, tell me</p> <p>11 how the car was involved in the accident.</p> <p>12 A. That's hard to answer that about the accident.</p> <p>13 Q. I don't want to -- I don't want to get into, you</p> <p>14 know, to what happened to you, you know. I just wanted</p> <p>15 to know --</p> <p>16 A. I was stuck on the side of the road waiting for a</p> <p>17 tow truck, and this guy was high on heroin, and he hit</p> <p>18 me going 75 miles an hour, and I went 100 feet against</p> <p>19 the concrete barrier, and so the -- his car went into my</p> <p>20 car and pushed me 100 feet into a concrete barrier.</p> <p>21 That's what happened. My car was completely stopped.</p> <p>22 So --</p> <p>23 Q. I'm so sorry. That sounds horrible.</p> <p>24 A. It was.</p> <p>25 Q. And so you were stopped because your car had lost</p>
<p style="text-align: right;">Page 27</p> <p>1 THE WITNESS: I guess so.</p> <p>2 I mean, the seats are really, really soft.</p> <p>3 They were like buttery soft, except for that scratch.</p> <p>4 But I honestly don't remember that scratch being that</p> <p>5 big. So --</p> <p>6 BY MS. WILTROUT:</p> <p>7 Q. Okay. Does this look like a picture that was</p> <p>8 taken of your -- of the seat of your car?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And there's a scratch on it, right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know how old the brakes were on the</p> <p>13 vehicle?</p> <p>14 A. They were new.</p> <p>15 Q. They were -- all the brakes were brand new?</p> <p>16 A. All. I would guess so. I don't know.</p> <p>17 Q. What about the exterior, were there any -- tell</p> <p>18 me about the condition of the exterior.</p> <p>19 MR. MALONE: Objection.</p> <p>20 THE WITNESS: The exterior had been --</p> <p>21 MR. MALONE: Hold on. Objection.</p> <p>22 You can answer, Vail.</p> <p>23 MS. WILTROUT: I'm sorry. I'll rephrase my</p> <p>24 question.</p> <p>25 BY MS. WILTROUT:</p>	<p style="text-align: right;">Page 29</p> <p>1 speed, right?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Okay. So was that the first time that it ever</p> <p>4 happened?</p> <p>5 A. Yes.</p> <p>6 Q. So describe to me, in your own words, what</p> <p>7 happened.</p> <p>8 A. I was driving, and all of a sudden it lost power,</p> <p>9 and so then I tried to get as much on the shoulder as I</p> <p>10 could, and then I was waiting for a tow truck, and then,</p> <p>11 bam, it happened.</p> <p>12 Q. When the car lost power, did the interior lights</p> <p>13 shut off?</p> <p>14 A. Everything shut off.</p> <p>15 Q. Everything shut off. Okay. So it completely</p> <p>16 stopped.</p> <p>17 How long had you been driving at that point?</p> <p>18 A. Two hours.</p> <p>19 Q. So you were two -- were you driving away from</p> <p>20 your home two hours?</p> <p>21 A. No. I was on the way back. I was coming from</p> <p>22 the beach.</p> <p>23 Q. Were you alone?</p> <p>24 A. Yes.</p> <p>25 Q. And had the car ever done anything like this</p>

<p style="text-align: right;">Page 30</p> <p>1 before?</p> <p>2 A. No.</p> <p>3 Q. Had your grandpa ever reported that this happened</p> <p>4 or any mechanical issues?</p> <p>5 A. No, nobody -- any -- this car had never had</p> <p>6 mechanical issues before.</p> <p>7 Q. And who were you insured by at the time of the</p> <p>8 accident?</p> <p>9 A. USAA Garrison.</p> <p>10 Q. And what day did you report the accident to</p> <p>11 Garrison?</p> <p>12 A. I cannot recall that, because I was in the</p> <p>13 hospital. So I can't personally state that date</p> <p>14 exactly.</p> <p>15 Q. Okay. Do you remember -- do you ever remember</p> <p>16 making the call?</p> <p>17 A. No.</p> <p>18 Q. Okay. So what do you know about the reporting of</p> <p>19 the accident?</p> <p>20 A. Do you mean to the police? I --</p> <p>21 Q. I mean to -- I'm sorry.</p> <p>22 What do you recall about reporting the accident</p> <p>23 to Garrison?</p> <p>24 A. Not much at all.</p> <p>25 Q. Do you remember who made the call?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. It was on the phone. Okay.</p> <p>2 Did Garrison inspect your car after that?</p> <p>3 A. I will rely on my lawyers for that, because I do</p> <p>4 not know.</p> <p>5 Q. All right. So I'm mostly -- I'm 100 percent only</p> <p>6 interested in what you know and what you remember.</p> <p>7 So why don't you just tell me about what you</p> <p>8 remember about --</p> <p>9 A. I can't honestly not say, because I don't</p> <p>10 remember. That first year is really vague for me.</p> <p>11 Q. Understood. Okay.</p> <p>12 Do you remember finding out that your car had</p> <p>13 been totaled?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. What do you remember about that?</p> <p>16 A. I just knew that it was totaled. That's all I</p> <p>17 knew.</p> <p>18 Q. Do you remember who told you?</p> <p>19 A. It was probably --</p> <p>20 MR. MALONE: Objection.</p> <p>21 THE WITNESS: -- one of my parents.</p> <p>22 MR. MALONE: Hold on. I was going to object</p> <p>23 if that required Vail to disclose attorney/client</p> <p>24 communications.</p> <p>25 If you can answer that Vail, without</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I know that it was probably my parents or my dad,</p> <p>2 and I had to give them permission to talk to USAA,</p> <p>3 because I could not do it.</p> <p>4 Q. Okay. Did you authorize your dad to continue</p> <p>5 conversations with Garrison for you on your behalf?</p> <p>6 A. I authorized him to speak on my behalf. I did</p> <p>7 not authorize him to do anything else but speak.</p> <p>8 Q. Okay. And do you remember how you did that; was</p> <p>9 it like a verbal or was it in writing?</p> <p>10 A. It was a verbal.</p> <p>11 Q. Was it a verbal on the phone with Garrison?</p> <p>12 A. With USAA, yes.</p> <p>13 Q. Just to be clear. Garrison and USAA are separate</p> <p>14 entities.</p> <p>15 A. But it's on the USAA app.</p> <p>16 Q. So you were speaking through the USAA app?</p> <p>17 A. I mean, like you go through the USAA app. Like</p> <p>18 your insurance is on the app.</p> <p>19 It's very confusing, because it's on the app, and</p> <p>20 you set up your insurance through USAA. It doesn't say</p> <p>21 Garrison. It says USAA.</p> <p>22 Q. Did you have a phone conversation when you</p> <p>23 authorized your dad to speak with Garrison on your</p> <p>24 behalf or was it like through an app chat program?</p> <p>25 A. No. It was on the phone.</p>	<p style="text-align: right;">Page 33</p> <p>1 revealing attorney/client communications, you can</p> <p>2 answer.</p> <p>3 THE WITNESS: I think it was really one of</p> <p>4 my parents that told me, but I don't honestly know.</p> <p>5 BY MS. WILTROUT:</p> <p>6 Q. Do you remember about when you had that</p> <p>7 conversation with your parents?</p> <p>8 A. No idea.</p> <p>9 Q. How long were you in a -- I had a concussion. So</p> <p>10 I call it like a brain fog. I know what you had is much</p> <p>11 more than that.</p> <p>12 But how long were you in that space where you</p> <p>13 couldn't remember things?</p> <p>14 A. Well, I was in the ICU for like two months. So</p> <p>15 other than beyond that, it's foggy for a while.</p> <p>16 Q. Okay. When you found out from your parents that</p> <p>17 the car had been judged a total loss, were you</p> <p>18 surprised?</p> <p>19 A. No.</p> <p>20 MR. MALONE: Objection.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. WILTROUT:</p> <p>24 Q. Has Garrison paid you for the claim to your car?</p> <p>25 A. They gave me a check, but I did not believe it</p>

<p>Page 34</p> <p>1 was -- I never believed it was for the total -- a full 2 settlement for the total amount. 3 Q. Do you remember when you got the check? 4 A. No. 5 Q. Okay. Do you remember hearing that there would 6 be additional funds coming after you received the check? 7 A. No, I did not. 8 Q. Okay. Did you deposit the check? 9 A. Yes. 10 Q. Do you remember when you deposited the check? 11 A. No. 12 Q. So who would have deposited the check in your 13 checking account? 14 A. It actually was my father. 15 Q. Did he tell you -- did he discuss the value of 16 the car with you before he deposited the check? 17 A. No. 18 Q. Did he discuss the check with you? 19 A. I think he did some, but I -- I think that he did 20 more so later, not at the time. 21 Q. Okay. Do you remember when you guys talked about 22 it? 23 A. You mean at the time or later? 24 Q. Yeah. I meant later. I was asking when that -- 25 when later referred to?</p>	<p>Page 35</p> <p>1 A. Probably a year later. 2 Q. So at the time of the accident, did you have any 3 understanding of how Garrison came to the value it gave 4 your vehicle? 5 A. No. 6 Q. But do you think that your dad did? 7 MR. MALONE: Objection. Calls for 8 speculation. 9 You can answer, if you know. 10 THE WITNESS: I don't think I know. 11 BY MS. WILTROUT: 12 Q. Okay. I should have -- a better question, which 13 might have not gotten an objection, would be, do you 14 remember talking to your dad about how -- about the 15 value of the car at that time? 16 A. No. 17 Q. Do you remember talking to anybody about the 18 value of the car at that time? 19 MR. MALONE: Objection. To the extent that 20 it would ask that Vail reveal attorney/client 21 communications, I would instruct her not to answer. 22 If she discussed the value of her car with 23 someone other than an attorney, she can answer that 24 question. 25 BY MS. WILTROUT:</p>	<p>Page 36</p> <p>1 Q. And just to be clear. If you were speaking with 2 an attorney, I'm not asking the contents of the 3 conversation. I'm just asking, you know, if you had 4 that conversation? 5 MR. MALONE: If you're -- I'm going to 6 sustain -- maintain the objection that she should not 7 answer the question if -- that even if the car says, 8 "Did you discuss the value of the vehicle with 9 anyone?" If the answer is, "Yes, my attorney." Then 10 don't answer the question, because that question 11 seeks to reveal the content of attorney/client 12 communications, and we're not waiving that privilege 13 at this point. 14 But you can go ahead and answer, Vail. 15 THE WITNESS: I don't think I discussed it 16 with anyone else -- 17 BY MS. WILTROUT: 18 Q. I mean -- 19 A. -- other than my father. 20 What did you say? 21 Q. Did you discuss it with anybody other than your 22 father? 23 A. I don't -- I don't think we discussed the value 24 of it with my father beforehand. 25 Q. Okay. So you don't think you discussed it with</p>	<p>Page 37</p> <p>1 anybody? 2 A. Uh-uh. 3 Q. Okay. So go ahead and pull up the document that 4 is saved as 2016.10.17, and let me know if you have any 5 issues getting that up. 6 And I'm going to be referring to this document in 7 terms of the little numbers on the bottom right. So 8 make sure you can see those clearly. 9 A. Okay. 10 Q. So the first page of the document that I'm 11 looking at is 130; is that the same as yours? 12 A. 130? 13 MR. MALONE: I'm not following that that's 14 the same page. 15 Are you saying -- 16 MS. WILTROUT: That is why I asked, to make 17 sure. 18 THE WITNESS: I'm not seeing a 130. 19 MR. MALONE: I see a 107. 20 THE WITNESS: That's what I'm seeing. 21 MS. WILTROUT: Okay. Yep. That is fine. 22 Yep, that's the same one. Okay. Sorry about that. 23 So I'd like to mark -- have the court 24 reporter mark this as an exhibit, Deposition 25 Exhibit 2 I believe we're at.</p>
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<p style="text-align: right;">Page 38</p> <p>1 (Defendant's Exhibit No. 2 was marked for 2 identification) 3 BY MS. WILTROUT: 4 Q. Okay. Take a look at this document and tell me 5 if you remember receiving it. 6 MR. MALONE: Andrea, I hate to interject 7 here, but just for purpose of clarity. 8 Are you asking whether she received it now 9 or whether she remembers receiving it back in October 10 of 2017? 11 MS. WILTROUT: Those are both good 12 questions. We'll start with the first one. 13 BY MS. WILTROUT: 14 Q. Vail, do you remember receiving this document in 15 October of 2016? 16 A. I wouldn't have received it then, because I would 17 have been in the hospital. 18 Q. Okay. Have you seen this document before? 19 A. Yes. 20 Q. Do you know if this document was received and/or 21 reviewed by anyone on your behalf? 22 MR. MALONE: Objection. 23 You can answer, if you know. 24 THE WITNESS: I don't know. 25 BY MS. WILTROUT:</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. MALONE: I was just trying to 2 understand. That's all. Thank you. 3 MS. WILTROUT: Okay. Let me know if you 4 need -- if you need help. 5 BY MS. WILTROUT: 6 Q. So the document that has the title Claim and 7 Payment Information, which is 111 Garrison -- 8 THE WITNESS: Once again, my computer shut 9 off. 10 MS. WILTROUT: It's Page 5. 11 THE WITNESS: I'm trying to get it reopened. 12 MS. WILTROUT: Okay. If we get into a 13 pinch, I can always just bring it up on the screen, 14 too. 15 THE WITNESS: I might need you to do that, 16 because right now, my computer is not wanting to open 17 it. It was open, and then it just froze, and then it 18 closed out. 19 MS. WILTROUT: Really annoying. 20 THE WITNESS: It is. 21 MS. WILTROUT: Okay. 22 MR. MALONE: You were doing so good. 23 THE WITNESS: I know. 24 MS. WILTROUT: Okay. Let me set myself up 25 for screen sharing.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. So I'm sorry. Have you ever seen this document 2 before? 3 A. Yes. 4 Q. Okay. All right. So go to -- and I apologize, 5 because my bates numbers are messed up, but I believe 6 it's the -- actually, let me pull it up on here. 7 MR. MALONE: Andrea, I hate to again 8 interject, but when we talk about this document, 9 there's a letter, and then there's a CCC One report 10 that's attached to it. 11 So when you say this document, are you 12 talking about the letter or the CCC report? 13 MS. WILTROUT: I was talking about the 14 letter in the entirety. 15 MR. MALONE: So the letter with the report 16 attached to it? 17 MS. WILTROUT: Yes, because that's how it 18 was transmitted. 19 MR. MALONE: I got you. Okay. I'm just 20 trying to understand. You're good. 21 MS. WILTROUT: I'm happy to provide any 22 clarification necessary. 23 MR. MALONE: That's fine. 24 MS. WILTROUT: Okay. Great. I'll move on 25 then.</p>	<p style="text-align: right;">Page 41</p> <p>1 THE WITNESS: I'm so sorry. 2 MS. WILTROUT: No, it's all good. 3 We can also take a break if you want to try 4 to get it back up but, like I said, I'm happy to do 5 this. 6 Yeah, do you want to take a break and see 7 if you can restart your computer? 8 THE WITNESS: Yeah, I can try and do that 9 real quick. 10 MS. WILTROUT: Okay. So we can go off the 11 Record. 12 THE VIDEOGRAPHER: The time on the monitor 13 is approximately 11:48 a.m., and we're off the 14 Record. 15 (A brief recess was taken in the deposition) 16 THE VIDEOGRAPHER: The time on the monitor 17 is approximately 12:01 p.m., and we're back on the 18 Record. 19 BY MS. WILTROUT: 20 Q. All right. Ms. Fortson, right before we left, we 21 were starting to look at a document that you have up. 22 Do you have that document up in front of you? 23 It's the document that we marked as Exhibit 2 to the 24 deposition. 25 A. Yes, I have it.</p>



<p style="text-align: right;">Page 42</p> <p>1 Q. Okay. Great.</p> <p>2 All right. So if you would go to, I believe, the</p> <p>3 fifth page in that letter that says Claim and Payment</p> <p>4 Information.</p> <p>5 A. Claim and Payment Information. Five. Okay. All</p> <p>6 right. Okay. Oh, my gosh. I see where it says Market</p> <p>7 Valuation Report on the fifth page.</p> <p>8 Q. Okay. I'm going to go ahead and pull up the one</p> <p>9 that I've got. And of course, it's not working. I</p> <p>10 should have had this up before. Give me one second. I</p> <p>11 think I jinxed myself.</p> <p>12 Yes. Yeah. So go to Page 5 of the document. It</p> <p>13 should be Garrison P&amp;C 111.</p> <p>14 A. 111.</p> <p>15 Q. It's Page 5 of the PDF.</p> <p>16 A. Okay. Got you. I see it now.</p> <p>17 Q. Okay. All right. So can you tell from this</p> <p>18 document what the vehicle's actual cash value was</p> <p>19 reported as being in this report?</p> <p>20 A. You mean the -- it says \$6,690.00.</p> <p>21 Q. Yes. And what other items do you see under that</p> <p>22 number?</p> <p>23 A. I see the Sales Tax is \$200.70. I see the</p> <p>24 Registration and Plate Fee is \$20.00. I see the Title</p> <p>25 Fee is \$52.00, and the net --</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Base Vehicle Value.</p> <p>2 A. It says \$6,560.00, plus a different Condition</p> <p>3 Adjustment of \$130.00.</p> <p>4 Q. And I just realized right before we got off the</p> <p>5 break, there was a little confusion about whether or not</p> <p>6 you actually looked at this report.</p> <p>7 Do you remember seeing this before preparing for</p> <p>8 your deposition today?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. But do you remember seeing this report</p> <p>11 after your accident?</p> <p>12 A. You mean right after my accident? No.</p> <p>13 Q. Okay. Go ahead and look at -- I'm sorry to make</p> <p>14 you go back and do this.</p> <p>15 Go to the second page of the document of</p> <p>16 Exhibit 2. Do you see a transmittal page?</p> <p>17 A. Yes.</p> <p>18 Q. Who is the document showing that it was sent to?</p> <p>19 A. It says Salvage Recovery.</p> <p>20 Q. So I'm looking at the second page, 00108, of the</p> <p>21 actual PDF.</p> <p>22 A. Oh, that's the wrong page. Sorry. It says it</p> <p>23 was sent to my e-mail.</p> <p>24 Q. Okay. That evfortson@gmail.com is your e-mail?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And what --</p> <p>2 A. Go ahead.</p> <p>3 Q. I broke my own rule. Finish what you were</p> <p>4 saying.</p> <p>5 A. And the net total being \$6,982.70.</p> <p>6 Q. Okay. Is that what you remember receiving as</p> <p>7 payment from Garrison?</p> <p>8 A. I believe so.</p> <p>9 Q. We'll talk more about the actual cash value, but</p> <p>10 I just want to make sure that you remember receiving the</p> <p>11 sales tax payment, registration fee, and title fee?</p> <p>12 A. Okay.</p> <p>13 Q. Correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So then go ahead, skip a couple pages up,</p> <p>16 just the next page.</p> <p>17 A. Okay.</p> <p>18 Q. What do you see here?</p> <p>19 A. Report Summary.</p> <p>20 Q. And this is from CCC, right, CCC One?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Tell me what it says here for Base Vehicle</p> <p>23 Value.</p> <p>24 A. Base Vehicle Value? Did you say Bates Vehicle</p> <p>25 Value or Base Vehicle Value?</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. And so do you have any reason to believe</p> <p>2 that this document that we're talking about right now</p> <p>3 was not sent to your e-mail?</p> <p>4 A. No.</p> <p>5 Q. And were you having somebody check your e-mail</p> <p>6 during that time for correspondence about your</p> <p>7 automobile accident?</p> <p>8 A. Probably, because I couldn't even be on my phone</p> <p>9 at the time. I couldn't even -- I wasn't even allowed</p> <p>10 to look at my phone.</p> <p>11 Q. Okay. All right. So let's take a look at the</p> <p>12 Base Vehicle Value. I think you might have answered</p> <p>13 that. I apologize if I asked that already.</p> <p>14 But what do you see here?</p> <p>15 A. You're going back to that other page?</p> <p>16 Q. Yes. Go back to that other page.</p> <p>17 A. So the Base Vehicle Value says \$6,560.00.</p> <p>18 Q. Okay. And do you see a Condition Adjustment?</p> <p>19 A. Yes, a different Condition Adjustment. It says</p> <p>20 \$130.00.</p> <p>21 Q. And is that a positive or a negative Condition</p> <p>22 Adjustment?</p> <p>23 A. It's a positive Condition Adjustment.</p> <p>24 Q. And so then you have -- and what is the Adjusted</p> <p>25 Vehicle Value?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. It is \$130.00.</p> <p>2 Q. So I have -- the Adjusted Vehicle Value on my</p> <p>3 copy says \$6,690.00; is that what you see on yours?</p> <p>4 A. Oh, yes. Sorry. I was -- I didn't understand</p> <p>5 what you said. Yes, I see that.</p> <p>6 Q. Okay. So would you agree with me that the</p> <p>7 Adjusted Vehicle Value represented in this report is</p> <p>8 \$6,690.00?</p> <p>9 A. Yes.</p> <p>10 Q. And then do you see a tax payment calculated</p> <p>11 here?</p> <p>12 A. Yes.</p> <p>13 Q. And then what is the total?</p> <p>14 A. It is \$6,890.70.</p> <p>15 Q. All right. Go to the page -- the eighth page in</p> <p>16 the PDF, Garrison P&amp;C 114. It should say Vehicle</p> <p>17 Information on it.</p> <p>18 A. Okay. Okay.</p> <p>19 Q. Okay. Does this report accurately describe your</p> <p>20 vehicle?</p> <p>21 MR. MALONE: I'm sorry. I'm going to</p> <p>22 object.</p> <p>23 Are you saying this page or the entire</p> <p>24 report?</p> <p>25 BY MS. WILTROUT:</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Is that Freeman, F --</p> <p>2 A. F-R-E -- I mean, F-R-E-E-M-A-N.</p> <p>3 Q. Okay. Were you close with Leslie Ann Freeman?</p> <p>4 A. Not particularly.</p> <p>5 Q. Would you have known if she got into a car</p> <p>6 accident?</p> <p>7 A. No.</p> <p>8 Q. Okay. All right. So she never told you about</p> <p>9 the car accident before?</p> <p>10 A. No.</p> <p>11 Q. Did you even know that the car was in a previous</p> <p>12 accident?</p> <p>13 A. No.</p> <p>14 MR. MALONE: Objection.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: No, I did not.</p> <p>17 BY MS. WILTROUT:</p> <p>18 Q. Okay. Do you think that a car that has been in</p> <p>19 an accident is worth more than a car that has been --</p> <p>20 that was not involved in an accident?</p> <p>21 MR. MALONE: I'll object. Lack of</p> <p>22 foundation.</p> <p>23 You can answer, if you know.</p> <p>24 THE WITNESS: I do not know.</p> <p>25 BY MS. WILTROUT:</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. I'm sorry. This page. Does this page of the</p> <p>2 report accurately describe your vehicle?</p> <p>3 A. Well, there's a lot more to a vehicle than just</p> <p>4 that, I think.</p> <p>5 Q. Are there any -- is there any information in the</p> <p>6 Vehicle Details box that is incorrect?</p> <p>7 MR. MALONE: Objection. Foundation.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: I think so. I guess so.</p> <p>10 BY MS. WILTROUT:</p> <p>11 Q. Underneath the Vehicle Details box, there is a</p> <p>12 Vehicle History Summary; do you see that?</p> <p>13 A. Vehicle History Summary. Yes, I see that.</p> <p>14 Q. Okay. And it looks like there's a note there</p> <p>15 showing one previous collision; do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And it looks like the accident was on</p> <p>18 September 29, 2009, right?</p> <p>19 A. That's what it says.</p> <p>20 Q. Okay. Do you remember hearing about that</p> <p>21 accident?</p> <p>22 A. I have no knowledge of that accident.</p> <p>23 Q. Okay. Your dad's -- what is your dad's cousin's</p> <p>24 name who previously owned the vehicle?</p> <p>25 A. Leslie Ann Freeman.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Let me ask it this way: If you were going to</p> <p>2 provide a value on a car, and you had a car that had</p> <p>3 been involved in an accident and then a car that had not</p> <p>4 been involved in an accident, which car would you value</p> <p>5 higher?</p> <p>6 MR. MALONE: Objection.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I do not know.</p> <p>9 BY MS. WILTROUT:</p> <p>10 Q. Do you think there would be a difference?</p> <p>11 MR. MALONE: Objection.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: I do not know.</p> <p>14 BY MS. WILTROUT:</p> <p>15 Q. Okay. Take a look at the Vehicle Information</p> <p>16 page on the next three pages. That first is -- I'm</p> <p>17 sorry -- next two pages, Vehicle Information, and there</p> <p>18 are several options that are listed here.</p> <p>19 Go ahead and let me know if you see anything on</p> <p>20 these two pages that looks inaccurate to you.</p> <p>21 A. Okay. Everything looks accurate.</p> <p>22 Q. And then go to the next page, the Vehicle</p> <p>23 Condition page.</p> <p>24 A. Okay.</p> <p>25 Q. And take a look at the conditions of each of</p>



<p style="text-align: right;">Page 50</p> <p>1 those categories. We can walk through them together.</p> <p>2 The Mechanical here is rated very good. What is</p> <p>3 the Value Impact noted here?</p> <p>4 A. It's \$130.00.</p> <p>5 Q. And that lines up with the first page of the</p> <p>6 report where the Base Vehicle Value was increased by</p> <p>7 130, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Let's look at the Tires. What condition</p> <p>10 are the tires rated in?</p> <p>11 A. It says, "6 average" or -- no. They're good.</p> <p>12 The tires are good.</p> <p>13 Q. And the inspection is 6 average?</p> <p>14 A. Yes.</p> <p>15 Q. So the tires were not rated very good or</p> <p>16 excellent, correct?</p> <p>17 A. That's what it says.</p> <p>18 Q. Okay. Do you remember getting new tires four</p> <p>19 months before with your grandpa?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And by the way, what is your grandpa's --</p> <p>22 I don't actually have your grandfather's name. What is</p> <p>23 your grandfather's name?</p> <p>24 A. Robert Malcolm Fortson.</p> <p>25 Q. And where did he live?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. It was in good condition.</p> <p>2 Q. Did you have the paint retouched at the detailing</p> <p>3 appointment with your grandfather?</p> <p>4 A. No.</p> <p>5 Q. Do you know if the paint had been retouched since</p> <p>6 the car was purchased in 2004?</p> <p>7 A. No.</p> <p>8 Q. And I believe you were reading from the Body</p> <p>9 section. What does the Body section say?</p> <p>10 A. "Headlight lenses cloused, dings (veh seen in</p> <p>11 rain)."</p> <p>12 Q. I looked at that a couple times. I think they</p> <p>13 might be saying clouded.</p> <p>14 Would you agree that the headlight lenses were</p> <p>15 clouded?</p> <p>16 A. I do not know.</p> <p>17 Q. And what does it say for the Glass?</p> <p>18 A. It says, "Pitting."</p> <p>19 Q. And what condition?</p> <p>20 A. It says, "Good."</p> <p>21 Q. And then tell me what it says for the Interior.</p> <p>22 A. It says, "Good." And it says, "Tear, soiled,</p> <p>23 leather wear, trim soiled."</p> <p>24 Q. Okay. So do you remember, on the day of the</p> <p>25 accident, the interior of your car being soiled?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Jacksonville, Florida.</p> <p>2 Q. What was his address?</p> <p>3 A. 3875 Ortega Boulevard.</p> <p>4 Q. 3875.</p> <p>5 And you said that the body shop or the -- sorry.</p> <p>6 You said that the shop that you got brand new tires on</p> <p>7 or at was right down the street from him at that</p> <p>8 address?</p> <p>9 A. It's close by.</p> <p>10 Q. Approximately how far away?</p> <p>11 A. I'm not good with distance, but it's close by.</p> <p>12 Q. How long would it take you to drive there?</p> <p>13 A. Like five minutes maybe, if that.</p> <p>14 Q. And here you have the Paint. What condition was</p> <p>15 the paint in?</p> <p>16 A. It was in good condition.</p> <p>17 Q. Okay. What do the inspection notes show?</p> <p>18 A. Headlight lenses clouse -- cloused, cloused.</p> <p>19 Q. I think that might be the body.</p> <p>20 A. Oh. "Slight fading and surface scratches."</p> <p>21 Q. Do you remember there being slight fading to your</p> <p>22 car to the paint?</p> <p>23 A. No.</p> <p>24 Q. Do you remember the paint being in excellent</p> <p>25 condition?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No.</p> <p>2 Q. How long had it been since you had had the car</p> <p>3 shampooed?</p> <p>4 A. I'm not going to remember that.</p> <p>5 Q. Okay. Do you remember the place that you got the</p> <p>6 car shampooed?</p> <p>7 A. It's this Mexican -- it's in this old like -- I</p> <p>8 don't even know the name of it, but it's in this old</p> <p>9 like gas station thing, and these Mexicans do it by hand</p> <p>10 in Fayetteville on Bragg Boulevard. I don't even know</p> <p>11 if they have a name, but it's all cash. They do a</p> <p>12 really good job, though.</p> <p>13 Q. It's off what?</p> <p>14 A. Bragg Boulevard in Fayetteville.</p> <p>15 Q. And how did you pay them?</p> <p>16 A. Cash. They only take cash.</p> <p>17 Q. And do you remember at all how long it had been</p> <p>18 since you -- like months, three months, weeks since you</p> <p>19 had gotten the car detailed?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you have any pictures of the car from before</p> <p>22 the accident?</p> <p>23 A. I don't think so.</p> <p>24 Q. Do you know if you ever took a picture of</p> <p>25 yourself in the car that you got before the accident?</p>

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<p>1 A. I'd have to go through my pictures, but I'm not 2 sure. 3 Q. But there might be a picture of you in the car? 4 A. I'm not saying yes or no, but I'm not sure. 5 Q. Were you ever asked to look for pictures of the 6 interior of the car? 7 A. Not that I know of. 8 Q. And you've never looked for pictures in the car 9 inside? 10 A. I don't think I really had that -- any, though, 11 because I've gone through my photos recently looking for 12 something for my sister, and I don't really recall any. 13 Q. Okay. So is the component condition listed for 14 the interior, is that an accurate description of your 15 vehicle at the time of the accident? 16 A. I would say there was some -- there was a tear 17 and a little bit of leather wear, but I wouldn't say it 18 was really soiled that much. 19 Q. Let's move on to the next page of comparable 20 vehicles, the next two pages. Actually, it's four 21 pages. 22 So over on the right-hand side of the page, 23 you'll see a list of the comparables; do you see that? 24 A. Yes. 25 Q. Take a look at that, and I'm going to ask you</p>	<p>1 Vehicle, that's another word for your car, and Comp 1? 2 A. Yes. 3 Q. And would you agree with me that they -- that 4 there are more options on your vehicle than there were 5 on Comp 1? 6 A. Yes. 7 Q. And so do you see how in the Options line, they 8 have given you a positive -- they've given a positive 9 \$229.00 amount to account for the difference in options? 10 A. Yes. 11 Q. Same question with respect to mileage. Which car 12 had more mileage, your -- the loss vehicle or Comp 1? 13 A. Comp 1. 14 Q. And do you see the increase in the mileage 15 adjustment? 16 A. Yes. 17 Q. And then you see and -- and then there's a 18 condition adjustment of 722, correct? 19 A. Yes. 20 Q. And would you agree with me that the same process 21 is repeated for cars labeled Comp 2, Comp 3, and Comp 4? 22 A. Yes. 23 Q. Do you understand at all why Garrison used these 24 comparable vehicles to value your car? 25 A. Yes, I understand the comparable vehicles part.</p>
Page 55	Page 57
<p>1 some questions about what you see. 2 A. Okay. 3 Q. Would you agree with me that there are four 4 comparables -- or there are four comparable vehicles in 5 this report? 6 A. Yes. 7 Q. Do you agree with me that all of the vehicles are 8 around the same year as your car? 9 A. Yes. 10 Q. Do you agree that they're all within 25 to 11 50 miles away from your -- from your address? 12 A. Yes. 13 Q. From Fayetteville, North Carolina, to be 14 specific. 15 So take a look at the first comp, comparable 16 vehicle. Here tell me what the list price here is, what 17 you see for the list price for the first comp vehicle. 18 A. It is \$7,449.00. 19 Q. Do you see a series of adjustments for that 20 vehicle? 21 A. Yes. I see an addition for options of \$229.00, 22 and then an addition for mileage of \$749.00, and then a 23 deduction for condition of \$722.00. 24 Q. Let's look at the Options ones. Do you see a 25 difference in the options listed between the Loss</p>	<p>1 Q. Okay. Tell me what you understand about that. 2 A. So they took comparable vehicles, and they 3 compared them all to my car, and then they added or 4 subtracted what they did or did not have, in my case, 5 didn't have. So they would add on to it to give me a 6 price range for my car. 7 But then the condition part, they took out the 8 same piece every single time for the same three -- the 9 exact same three cars, which is on there. 10 Q. Yeah, were there any particular comparable 11 vehicles from this report that you feel were not actual 12 comparable vehicles to your car and should not have been 13 used? 14 A. No. Or I don't know. 15 Q. Okay. All right. I'm going to ask you to open 16 up the letter that was -- the next document, which is a 17 2016.10.26 letter and CCC report. 18 A. Okay. 19 Q. I'm opening it up on my end, too, to make sure I 20 can give you the right page numbers. 21 A. All right. 22 Q. Okay. So tell me what -- I'd like to mark this 23 document as -- actually, let me see. 24 Have you ever seen this document before? 25 A. Yes.</p>

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<p>1 Q. When do you remember seeing this document?</p> <p>2 A. Within the last two years.</p> <p>3 Q. And what is this document?</p> <p>4 A. This document is also a CCC One Market Valuation.</p> <p>5 Q. For your car?</p> <p>6 A. Yes.</p> <p>7 MS. WILTROUT: I'd like to mark this as</p> <p>8 Exhibit 4 or Exhibit 3 to this deposition.</p> <p>9 THE VIDEOGRAPHER: Exhibit 3.</p> <p>10 MS. WILTROUT: Thank you.</p> <p>11 (Defendant's Exhibit No. 3 was marked for</p> <p>12 identification)</p> <p>13 BY MS. WILTROUT:</p> <p>14 Q. Okay. I'm looking at the first page of this PDF.</p> <p>15 It looks like a fax cover letter. Can you tell me who</p> <p>16 this was sent to?</p> <p>17 A. This was sent to Mike Malone.</p> <p>18 Q. And I see Mike Malone's here in the deposition</p> <p>19 today.</p> <p>20 Who is Mr. Malone to you?</p> <p>21 A. He is my lawyer.</p> <p>22 Q. How long has he been your lawyer for?</p> <p>23 A. For over four years now.</p> <p>24 Q. And again, I do not want to hear about your</p> <p>25 conversations with Mr. Malone, but what led you to seek</p>	<p>1 too.</p> <p>2 Q. Do you remember when you asked Mr. Malone to</p> <p>3 first -- to help you with your settlement for USAA?</p> <p>4 A. No, I do not.</p> <p>5 Q. So this was sent -- I'm looking at the second</p> <p>6 page of this letter. This letter looks to be sent to</p> <p>7 Mr. Malone on October 26, 2016; would you agree with me?</p> <p>8 A. Yes.</p> <p>9 Q. And the accident occurred on October 3rd,</p> <p>10 correct?</p> <p>11 A. 2nd.</p> <p>12 Q. 2nd. Okay.</p> <p>13 Were you in the hospital on October 26, 2016?</p> <p>14 A. Yes.</p> <p>15 Q. Had you been in the hospital since your accident</p> <p>16 on that date?</p> <p>17 A. Mostly, yes.</p> <p>18 Q. Mostly.</p> <p>19 So do you remember when you went in and when you</p> <p>20 left?</p> <p>21 A. I don't remember the exact days. No.</p> <p>22 Q. Generally speaking, what do you remember about</p> <p>23 coming in and out of the hospital during that time?</p> <p>24 MR. MALONE: Objection.</p> <p>25 You can answer.</p>
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<p>1 out him as your lawyer?</p> <p>2 MR. MALONE: Objection.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Make me hire him or make me</p> <p>5 get a lawyer?</p> <p>6 BY MS. WILTROUT:</p> <p>7 Q. Let's ask both questions.</p> <p>8 Why did you -- four years ago, why did you get a</p> <p>9 lawyer?</p> <p>10 A. I got a lawyer to help me with my settlement</p> <p>11 insurance case, firstly, because I wanted to go against</p> <p>12 the guy who hit me, but then he didn't have insurance,</p> <p>13 and then but -- and then I was referred to him by a</p> <p>14 friend, and then -- and then also -- what was the second</p> <p>15 part of the question? Sorry.</p> <p>16 Q. No, that's okay.</p> <p>17 So you hired a lawyer to help you proceed against</p> <p>18 the guy who hit you in the car accident?</p> <p>19 A. Yes. First off, yeah.</p> <p>20 Q. Okay.</p> <p>21 A. But then that didn't work out. So --</p> <p>22 Q. Okay. Did you hire -- and you ultimately hired</p> <p>23 Mr. Malone, correct?</p> <p>24 A. Yes. And then we went through to get my</p> <p>25 settlement from USAA. Yeah. He helped me with that,</p>	<p>1 THE WITNESS: I was in immediate -- I went</p> <p>2 in, and then they didn't immediately catch what</p> <p>3 happened, and then I went back in a week later, and</p> <p>4 then I was in the ICU after that.</p> <p>5 Then they took me out again, and then they</p> <p>6 -- within a day, I was back in the hospital, because</p> <p>7 it had gotten worse, and then I was in for a very</p> <p>8 long time after that.</p> <p>9 BY MS. WILTROUT:</p> <p>10 Q. How long were you in the ICU for?</p> <p>11 A. I don't remember the exact amount of time, but it</p> <p>12 was -- it was a long time.</p> <p>13 Q. When you say a long time, do you mean it was, you</p> <p>14 know, several days, several weeks?</p> <p>15 A. Several weeks, over a month.</p> <p>16 Q. And then how long were you out after your initial</p> <p>17 ICU stay?</p> <p>18 A. You mean out like --</p> <p>19 Q. How long were you out of the hospital?</p> <p>20 A. A day.</p> <p>21 Q. And then you went back to the hospital, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And how long were you in the hospital then?</p> <p>24 A. Okay. So no. This is how it went. So let me go</p> <p>25 back, backtrack real quick. I don't think I explained</p>

<p style="text-align: right;">Page 62</p> <p>1 this right.</p> <p>2 So I went to the ER that night when I got hit,</p> <p>3 and they -- I was there all night, and then they</p> <p>4 discharged me, because they didn't catch that I had torn</p> <p>5 both my carotid arteries.</p> <p>6 So then a week later, I was in massive pain, and</p> <p>7 I went to the ER, and then they realized I had torn my</p> <p>8 carotid arteries, and then they sent me to UNC. So then</p> <p>9 when I was at UNC, that's when I was in ICU.</p> <p>10 So I was there for two and-a-half weeks, and then</p> <p>11 they didn't think I was going to survive. So they sent</p> <p>12 me home, but then a day later, they got some scans back.</p> <p>13 They realized it was a lot worse. So they brought me</p> <p>14 back in. I mean, a day later they brought me back in,</p> <p>15 not even a day later. It was really about like</p> <p>16 12 hours, and so I came back in. Then from there, I was</p> <p>17 in for at least a month, if not five to six weeks</p> <p>18 longer.</p> <p>19 Does that make sense now?</p> <p>20 Q. Were you in the ICU during that last six weeks to</p> <p>21 -- a month to six weeks?</p> <p>22 A. Yes.</p> <p>23 Q. Were you conscious in the ICU that second time?</p> <p>24 A. Yes, kind of -- yes, technically --</p> <p>25 Q. Were you --</p>	<p style="text-align: right;">Page 64</p> <p>1 Do you remember authorizing Mr. Malone to</p> <p>2 negotiate your settlement of your total loss vehicle</p> <p>3 with USAA?</p> <p>4 A. I remember him giving -- he was able to --</p> <p>5 authorizing him to speak on my behalf, but -- and</p> <p>6 authorizing him to negotiate, but I know that he -- it</p> <p>7 was -- we never thought it was the -- we never agreed to</p> <p>8 that he -- he never -- he does not believe -- we never</p> <p>9 believed it was agreed it was a total loss settlement.</p> <p>10 Q. Let's unpack that. Do you remember -- I just</p> <p>11 want to clarify.</p> <p>12 When do you remember authorizing him to speak</p> <p>13 with USAA or Garrison on your behalf?</p> <p>14 A. I don't remember.</p> <p>15 Q. Would you agree with me that it was in October of</p> <p>16 2016?</p> <p>17 A. Yes.</p> <p>18 Q. Would you agree with me that it was before</p> <p>19 October 26, 2016?</p> <p>20 A. Yes.</p> <p>21 Q. Was it within a week of your accident which</p> <p>22 happened on October 2nd?</p> <p>23 A. I don't know.</p> <p>24 Q. You previously testified that you authorized your</p> <p>25 father to speak with Garrison on your behalf; is that</p>
<p style="text-align: right;">Page 63</p> <p>1 A. -- but not --</p> <p>2 Q. -- conscious at the time?</p> <p>3 A. Like I was on a lot of medications, though. I</p> <p>4 couldn't really speak, and I couldn't really -- you</p> <p>5 know, I couldn't do a lot of things.</p> <p>6 Q. And you were in the ICU under 24-hour medical</p> <p>7 supervision?</p> <p>8 A. Yes.</p> <p>9 Q. So just looking at that timeline that we just</p> <p>10 went through -- and I appreciate you talking about this</p> <p>11 horrible thing that happened to you in your life -- it</p> <p>12 seems like you were -- you might have been in the</p> <p>13 hospital on October 26th when you got this letter?</p> <p>14 A. Yes.</p> <p>15 Q. Were you getting updates in the hospital about</p> <p>16 the settlement of your claim?</p> <p>17 A. Yeah.</p> <p>18 MR. MALONE: I would object. I'm going to</p> <p>19 object to the extent that that seeks disclosure of</p> <p>20 attorney/client communications.</p> <p>21 But you can go ahead and answer otherwise.</p> <p>22 THE WITNESS: No, I was not.</p> <p>23 BY MS. WILTROUT:</p> <p>24 Q. Do you remember -- I understand that you were in</p> <p>25 the ICU, so you might not remember well.</p>	<p style="text-align: right;">Page 65</p> <p>1 correct?</p> <p>2 A. Yes. I authorized them, yes, to speak.</p> <p>3 Q. Did you authorize your father, before you</p> <p>4 authorized Mr. Malone, to speak to USAA?</p> <p>5 A. Yes. Yes, because he was explaining the wreck.</p> <p>6 Q. Sorry. Say that again.</p> <p>7 A. Because he was explaining the wreck.</p> <p>8 Q. He was explaining the wreck to -- who was he</p> <p>9 explaining the wreck to?</p> <p>10 A. The USAA.</p> <p>11 Q. Do you remember why you made the decision to hire</p> <p>12 or to ask Mr. Malone to speak on your behalf to</p> <p>13 Garrison?</p> <p>14 MR. MALONE: Objection.</p> <p>15 You can answer, if you can answer with --</p> <p>16 if you can answer without disclosing attorney/client</p> <p>17 privileged communications, you can answer that</p> <p>18 question.</p> <p>19 THE WITNESS: I don't know how to answer</p> <p>20 that.</p> <p>21 BY MS. WILTROUT:</p> <p>22 Q. I can ask it a different way.</p> <p>23 What do you remember prompted you to have</p> <p>24 somebody other than your dad speak with Garrison about</p> <p>25 your settlement with Garrison?</p>

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<p>1 MR. MALONE: Objection.</p> <p>2 You can answer. If you can answer that</p> <p>3 question without disclosing attorney/client</p> <p>4 communications, you can answer.</p> <p>5 BY MS. WILTROUT:</p> <p>6 Q. To be clear, I'm asking about what facts</p> <p>7 happened, what events happened in your life. Not what</p> <p>8 your attorney might have told you.</p> <p>9 A. I think we -- it was just in my best interest to</p> <p>10 have someone representing me in the case, in my</p> <p>11 settlement, I think.</p> <p>12 Q. Had Mr. Malone represented you before?</p> <p>13 A. No.</p> <p>14 Q. Had he represented your father before?</p> <p>15 A. No.</p> <p>16 Q. Okay. So do you know -- I'm going to -- going</p> <p>17 back to the document we were looking at.</p> <p>18 Do you know why this document -- why this report</p> <p>19 was run?</p> <p>20 A. I don't know.</p> <p>21 Q. And do you remember seeing this document in 2016?</p> <p>22 A. No, I do not.</p> <p>23 Q. When do you remember seeing this document for the</p> <p>24 first time?</p> <p>25 MR. MALONE: Objection.</p>	<p>1 A. Yes.</p> <p>2 Q. And take a look at the fourth page of this</p> <p>3 report, which is the eighth page of the PDF.</p> <p>4 Tell me if there's any discrepancies in the</p> <p>5 vehicle equipment listed on this page.</p> <p>6 MR. MALONE: Objection.</p> <p>7 I'm not sure if I understand your meaning</p> <p>8 of the term discrepancies.</p> <p>9 BY MS. WILTROUT:</p> <p>10 Q. Okay. Are there any options listed in the</p> <p>11 Vehicle Information page that are incorrectly noted,</p> <p>12 anything missing, anything that's there that should not</p> <p>13 be?</p> <p>14 A. Everything looks good.</p> <p>15 Q. And turn to the page that says Vehicle Condition.</p> <p>16 A. What page is that?</p> <p>17 Q. That is Page 10 of the PDF.</p> <p>18 Would you agree with me that those are the same</p> <p>19 values as the previous report that we saw?</p> <p>20 A. Yes.</p> <p>21 Q. All right. Now I'd like you to look at Pages 11</p> <p>22 through 17 of this document which are the comparable</p> <p>23 vehicles.</p> <p>24 A. Okay.</p> <p>25 Q. How many comparable vehicles do you see on this</p>
Page 67	Page 69
<p>1 THE WITNESS: Sometime within the last --</p> <p>2 so --</p> <p>3 MR. MALONE: Objection.</p> <p>4 You can answer, Vail.</p> <p>5 THE WITNESS: Sometime within the last two</p> <p>6 years.</p> <p>7 BY MS. WILTROUT:</p> <p>8 Q. Okay. So 2019?</p> <p>9 A. I can't say for sure.</p> <p>10 Q. Do you remember seeing any CCC reports prior to</p> <p>11 the first -- prior to the past two years?</p> <p>12 A. No.</p> <p>13 Q. So let's move to the fifth page of the document.</p> <p>14 And what do you see?</p> <p>15 A. I see Vehicle Information.</p> <p>16 Q. Okay. I'm looking at a copy of the CC One --</p> <p>17 CCC Market Valuation Report. Take a look at it, and let</p> <p>18 me know when you find the document that says Report</p> <p>19 Summary on it. I think it says Page 1 of 21 on one of</p> <p>20 the parts. It's also Page 5 of 25 of the document.</p> <p>21 A. Report Summary, Vehicle Information. Okay. I</p> <p>22 see it now.</p> <p>23 Q. Would you agree that the numbers in the Valuation</p> <p>24 Summary are identical to the previous report that we</p> <p>25 looked at?</p>	<p>1 report?</p> <p>2 A. Ten.</p> <p>3 Q. Of these comparable vehicles, what is the date of</p> <p>4 manufacturer for these ten comparable vehicles? What</p> <p>5 year were these -- what years were these comparable</p> <p>6 vehicles manufactured in?</p> <p>7 A. 2004.</p> <p>8 Q. Just like your car, right?</p> <p>9 A. Yes.</p> <p>10 Q. Would you agree with me that the comparables in</p> <p>11 this report are from a greater geographic area than the</p> <p>12 ones in the first report?</p> <p>13 A. Yes.</p> <p>14 Q. What is the lowest comparable vehicle list price?</p> <p>15 A. 5,437.</p> <p>16 Q. And what is the highest?</p> <p>17 A. 7,705.</p> <p>18 MR. MALONE: Andrea, are you talking about</p> <p>19 List Price or Adjusted Comparable Value?</p> <p>20 BY MS. WILTROUT:</p> <p>21 Q. I believe you gave me the Adjusted Comparable</p> <p>22 Value, which is fine.</p> <p>23 If you'll notice, there's two values there.</p> <p>24 There's List Price and Adjusted Comparable Value. Would</p> <p>25 you agree with me that those two vehicles also have the</p>



<p style="text-align: right;">Page 70</p> <p>1 lowest and the highest -- 2 A. Yes. 3 Q. -- list prices? 4 Take a look at the calculation for the Loss 5 Vehicle and Comp 1 which is on Page 11 of the document. 6 I'm sorry on Page 12 of the document is where the actual 7 calculation is. 8 Would you agree with me that this report applied 9 the same adjustments as the previous report that we 10 looked at? 11 A. Yes. 12 Q. So we talked about this before when we looked at 13 the previous report, but you agree that this report -- 14 would you agree that this report adjusts the value of 15 these vehicles for mileage? 16 A. Yes. 17 MR. MALONE: Objection. 18 You can answer. 19 THE WITNESS: Yes. 20 BY MS. WILTROUT: 21 Q. Would you agree that the amount of mileage on a 22 car affects its value? 23 MR. MALONE: Objection. 24 THE WITNESS: I don't know. 25 BY MS. WILTROUT:</p>	<p style="text-align: right;">Page 72</p> <p>1 You can answer if you know. You can 2 answer, Vail. 3 THE WITNESS: Because I might have more 4 options than the other car. 5 BY MS. WILTROUT: 6 Q. So would you agree that when this company was 7 valuing your car, they considered a car with more 8 options on it to be more valuable than a car with less 9 options on it? 10 A. I guess you could say that. 11 Q. Would you agree that the car with more options on 12 it should properly be valued higher than a car with less 13 options on it? 14 MR. MALONE: Objection. 15 You can answer. 16 THE WITNESS: I don't know. 17 BY MS. WILTROUT: 18 Q. Have you ever bought a new car before? 19 A. Yes. 20 Q. Did you get to pick out the options on it? 21 A. Yes. 22 Q. What options did you choose? 23 A. A lot of safety options. 24 Q. Okay. Did those options make the price of the 25 car go up?</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. You don't know? 2 A. Yes. 3 Q. Okay. Well, which would you want to purchase 4 more, a car with a lot of miles on it or a car with not 5 very many miles on it? 6 MR. MALONE: Objection, foundation, and 7 asked and answered previously. 8 THE WITNESS: I don't know. 9 BY MS. WILTROUT: 10 Q. You can see the -- do you see the adjustments for 11 options in this report? 12 A. Yes. 13 Q. Would you agree that the type of options on a car 14 affects its value? 15 MR. MALONE: Objection. 16 You can answer. 17 THE WITNESS: I don't know. 18 BY MS. WILTROUT: 19 Q. Take a look at Comp 1 versus your car. You can 20 see that there is a positive 229 options adjustment, 21 correct? 22 A. Yes. 23 Q. Why do you think they put that adjustment on? 24 MR. MALONE: Objection. Calls for 25 speculation.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes. 2 Q. And would you agree that that would increase the 3 value of the car, the presence of those options? 4 A. I guess so. 5 Q. Let's look at the Condition Adjustment. We've 6 talked about how you reconditioned the car. 7 Would you agree with me that it's typical for the 8 condition of a vehicle to change as someone uses it in 9 their ordinary lives? 10 MR. MALONE: Objection. Foundation. 11 You can answer. 12 THE WITNESS: Yes. 13 BY MS. WILTROUT: 14 Q. Did you try to keep your car in perfect 15 condition? 16 A. I tried to keep -- 17 MR. MALONE: Objection. 18 THE WITNESS: -- it -- 19 MR. MALONE: You can answer. 20 THE WITNESS: I tried to keep it in as good 21 a condition as I got it. 22 BY MS. WILTROUT: 23 Q. Did you? 24 A. I thought so. 25 Q. Do you know if Leslie, the previous owner of the</p>

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1 car, kept the car in as good of a condition as it was  
2 the day she bought it?  
3 A. I don't know.  
4 Q. Tell me what you did to keep the car in great  
5 condition while you had it.  
6 A. I didn't drive it much. I took it to get it  
7 cleaned and detailed. I just took care of it.  
8 Q. Did you ever smoke in the car?  
9 A. No. I don't smoke.  
10 Q. Did you ever eat in the car?  
11 A. I think I would only drink in the car. I don't  
12 think I ate in the car.  
13 Q. Did you allow any kids in the car?  
14 A. No.  
15 Q. Did you ever scratch the seats?  
16 A. Not that I'm aware of.  
17 Q. Did you ever ding a door next to you -- parked  
18 next to you?  
19 A. I don't know. I don't think so.  
20 Q. Have you ever seen anybody not take such great  
21 care of their car?  
22 MR. MALONE: Objection, foundation.  
23 You can answer.  
24 THE WITNESS: I mean, yeah. When my mom had  
25 us when we were little, like the van got totaled, but

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1 I mean not like totaled totaled, but like we were  
2 just kids. So we just wrecked it, you know.  
3 BY MS. WILTROUT:  
4 Q. Yeah. Yeah. I can tell you kids do a number on  
5 a car.  
6 So have you ever been in a car that someone had  
7 smoked in?  
8 A. Yes, in college.  
9 Q. Tell me what that was like.  
10 A. It smells awful.  
11 Q. Have you ever been in a car where someone  
12 regularly ate in it?  
13 A. Yeah. It's kind of grimy.  
14 Q. Yeah. Have you ever been in a car where someone  
15 has opened their doors a lot and had dings on the sides  
16 of the panels?  
17 A. I don't know if I've ever noticed that before.  
18 Q. Have you ever noticed a car from the outside with  
19 a lot of scratches on the car?  
20 A. Yes. Yes.  
21 Q. Have you ever noticed a car that had tires that  
22 looked like they were really old?  
23 A. Yes.  
24 Q. Have you ever known anybody to not take their car  
25 in for regular maintenance?

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1 A. No.  
2 Q. No. Okay.  
3 So let's think of that car that you drove in or  
4 that you were in that had been smoked in.  
5 A. Okay.  
6 Q. What kind of car was that?  
7 A. It was a 4Runner. It was just people were  
8 smoking in it, and it smelled awful.  
9 Q. So if you were going to buy a 4Runner, and you  
10 had the option of buying that 4Runner or a 4Runner that  
11 had not been smoked in, everything else is even, which  
12 one would you have bought?  
13 MR. MALONE: Objection.  
14 THE WITNESS: The not -- okay.  
15 MR. MALONE: You can answer.  
16 THE WITNESS: The not been smoked in one.  
17 BY MS. WILTROUT:  
18 Q. And why is that?  
19 A. Because the smell was just horrible.  
20 Q. All right. So let's use the minivan example.  
21 If you have -- if you're looking to buy a  
22 minivan, and there's a minivan that had been eaten in  
23 with stained seats and a minivan that had not been eaten  
24 in, which would you have rather paid for -- which would  
25 you have rather bought?

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1 MR. MALONE: Objection. Objection.  
2 You can answer.  
3 THE WITNESS: Probably the one without --  
4 that's not been eaten in.  
5 BY MS. WILTROUT:  
6 Q. Which car do you think you would have paid more  
7 for?  
8 MR. MALONE: Objection.  
9 You can answer.  
10 THE WITNESS: Probably the nicer ones.  
11 BY MS. WILTROUT:  
12 Q. And why is that?  
13 A. Because they're better taken care of.  
14 Q. Have you ever gone to a used car lot to look at  
15 cars?  
16 A. Yes.  
17 Q. Are those cars clean inside?  
18 MR. MALONE: Objection.  
19 THE WITNESS: I never looked on the inside.  
20 I just was looking outside.  
21 BY MS. WILTROUT:  
22 Q. Okay. What did the cars look like on the  
23 outside?  
24 A. Oh, no. It was when I was young. So I really  
25 didn't pay that much attention.



<p>Page 78</p> <p>1 Q. Do you know anything about work that dealers do 2 to get a used car in condition to sell it? 3 A. I know like what Kelley Blue Book is, and they 4 use that to help gauge it, but other than that, I don't 5 know much about it. 6 Q. Do you know of anybody whose ever traded their 7 car in to a dealership? 8 A. Yes. 9 Q. Who was that? 10 A. My sister has. My parents have. 11 Q. What car did your sister trade in? 12 A. A Mercedes, which one, 350 or CGL -- oh, what is 13 it, the GL -- she had a blue, the blue one, the blue 14 tech one. I don't know. It was one of the SUVs. And 15 then my parents, they've traded -- they've traded in a 16 couple of cars. 17 Q. Did you ever go with them when they were trading 18 in the cars? 19 A. I think once or twice. 20 Q. So when you went with your parents to trade in 21 the car, do you remember if the car that they traded in 22 was completely clean on the inside? 23 MR. MALONE: Objection. 24 You can answer. 25 THE WITNESS: Not that I -- I don't</p>	<p>Page 80</p> <p>1 THE VIDEOGRAPHER: This is the beginning of 2 media #2 in the deposition of Elizabeth Vail Fortson. 3 The time on the monitor is approximately 1:43 p.m., 4 and we're back on the Record. 5 MS. WILTROUT: Welcome back. 6 BY MS. WILTROUT: 7 Q. Okay. So before we left on our break, we were 8 talking about the value of your car, and you testified 9 that your car was in very good condition, right? 10 A. Yes, it was in good condition. 11 Q. And it was in good condition, because your 12 grandfather took care of the car, right? 13 A. Well, I mean, I had the car, and then he had the 14 car for a little bit, and then before that, Leslie had 15 the car, but it was in good condition when I got it from 16 my grandfather. Before that, I do not know. 17 Q. Okay. Would you agree with me that the car was 18 in good condition because of the care that you took of 19 the car? 20 A. Yes. 21 Q. And would you agree that the car was in good 22 condition, because your grandfather put on new tires and 23 brakes? 24 MR. MALONE: Objection. 25 You can answer.</p>
<p>Page 79</p> <p>1 remember. 2 BY MS. WILTROUT: 3 Q. Did your mom trade in that minivan that she drove 4 you guys around in? 5 A. Oh, what happened to that thing? I think they 6 actually drove that until it died. 7 MS. WILTROUT: So this is probably a good 8 time if you want to take a break for lunch. 9 THE WITNESS: Okay. 10 MS. WILTROUT: So we can come back here in 11 like a half an hour. 12 THE WITNESS: Okay. 13 MR. MALONE: Andrea -- 14 THE VIDEOGRAPHER: Let me take you off the 15 Record. Is that alright? 16 MR. MALONE: How do you feel about extending 17 that out to 40 minutes so I can actually make it to 18 get lunch? 19 MS. WILTROUT: That's fine with me. 20 MR. MALONE: Okay. 21 THE VIDEOGRAPHER: That's the end of media 22 #1 in the deposition of Elizabeth Vail Fortson. The 23 time on the monitor is approximately 1:00 p.m., and 24 we're off the Record. 25 (A brief recess was taken in the deposition)</p>	<p>Page 81</p> <p>1 THE WITNESS: I don't know. I think -- I 2 think it was other things than that. So I don't 3 know. 4 BY MS. WILTROUT: 5 Q. Okay. That's fair. 6 You agree with me, though, that your grandfather 7 put on new tires and brakes on the car? 8 A. Yes. 9 Q. And he had it serviced? 10 A. Yes. 11 Q. And you had it detailed? 12 A. Yes. 13 Q. And because you and your grandfather took such 14 good care of the car, it was worth more than another 15 2004 Cadillac that had been smoked in or stained 16 interior or scratches, wouldn't you agree? 17 MR. MALONE: Objection, foundation. 18 You can answer. 19 THE WITNESS: Well, smoked in, yes. 20 BY MS. WILTROUT: 21 Q. So you would pay more for your car -- for a 22 version of -- you would pay more for your version of 23 your car than a version of your car that had been smoked 24 in, right? 25 A. If it was me personally, I would say yes for the</p>

<p>Page 82</p> <p>1 smoked in -- not a smoked in car. Yes. 2 Q. So the value of a car depends on its condition, 3 doesn't it? 4 MR. MALONE: Objection, foundation. 5 You can answer, if you know. 6 THE WITNESS: I don't know. I don't think 7 smoking or anything has anything to do with 8 condition. I think condition is what it is, with 9 like options and mileage and whatever. 10 And you all had already stated that my 11 condition was good. You all actually added to my 12 condition with the \$130.00. 13 BY MS. WILTROUT: 14 Q. Okay. What do you think goes into the condition 15 of a car? 16 MR. MALONE: Objection. Objection. 17 You can answer. You can answer, Vail. 18 THE WITNESS: I don't know, because I'm not 19 a specialist in that. 20 BY MS. WILTROUT: 21 Q. So what about a car that had been -- that has 22 been smoked in makes it more valuable than a car that's 23 not been smoked in? 24 MR. MALONE: Objection. Misstates prior 25 testimony.</p>	<p>Page 84</p> <p>1 over this thing. So it could actually be that that car 2 is more valuable than this car. So you can't actually 3 say that one thing is more valuable than the other 4 thing. 5 BY MS. WILTROUT: 6 Q. Right. So in my hypothetical, I'm assuming that 7 the cars have the same mileage and the same options. 8 A. Okay. 9 Q. The cars have the same mileage and the same 10 options, and one has -- smells like smoke, stains in the 11 seats, rips in the leather; would that car be worth less 12 to you than a car that smelled good, had clean seats 13 that weren't scratched? 14 A. Yes. 15 Q. So would you agree with me that the value of a 16 car depends on its condition? 17 MR. MALONE: Objection, foundation. 18 THE WITNESS: So you're saying all those 19 things, those four things, are a condition to the 20 basis of your condition? 21 BY MS. WILTROUT: 22 Q. I'm asking you: Would you consider those to be a 23 condition of a car? 24 A. I think a condition of a car is more than that, I 25 guess.</p>
<p>Page 83</p> <p>1 I think you inverted that, Andrea. 2 BY MS. WILTROUT: 3 Q. Oh, okay. Would you agree that a car that had 4 been smoked in was worth less money than a car that had 5 not been smoked in? 6 MR. MALONE: Objection, foundation. 7 You can answer, Vail. 8 THE WITNESS: Yes. 9 BY MS. WILTROUT: 10 Q. Would you agree that a car -- the same car that 11 had -- the same make and model of a car that had stained 12 seats would be worth less than a car of the same make 13 and model with pristine seats? 14 MR. MALONE: Objection, foundation. 15 You can answer. 16 THE WITNESS: Yes. 17 BY MS. WILTROUT: 18 Q. So would you agree with me that the smell of a 19 car and the cleanliness of the seats are -- 20 A. Wait. Wouldn't that also -- wait. Wait. 21 Wouldn't it also like be conditional on like there's 22 other things a car has value on? 23 So if like say it's stained seats, but it's got 24 other things of value on it that makes it more valuable, 25 you can't actually say that this one is more precedent</p>	<p>Page 85</p> <p>1 Q. Okay. Well, let's look at what CCC does, because 2 they actually describe the four things that they do -- 3 the four components that go into the vehicle condition. 4 If you look at that report we were looking at 5 before -- 6 A. Okay. 7 MR. MALONE: Andrea, there were two 8 different reports that we looked at. 9 MS. WILTROUT: -- on Page -- yeah. The one 10 that we most recently looked at. The -- 11 MR. MALONE: Okay. 12 MS. WILTROUT: I think that's No. 3. 13 MR. MALONE: Okay. 14 MS. WILTROUT: Page 10 of that document. 15 THE WITNESS: It's not working again. Oh, 16 there it is. 17 It's Page 10. Which one is it? It's the 18 Value Condition component. 19 BY MS. WILTROUT: 20 Q. Vehicle Condition, yes. 21 So would you agree with me that CCC here lists 22 six components that make up the vehicle condition? 23 A. Yes. 24 Q. And would you also agree with me that later in 25 the Valuation Report, they account for differences in</p>

<p style="text-align: right;">Page 86</p> <p>1 mileage and in options?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So --</p> <p>4 A. But this is not the Condition Report that they</p> <p>5 put on with -- they added in the other Condition Report.</p> <p>6 Q. Say that -- I'm sorry. What did you say?</p> <p>7 A. This is not -- like this is a separate condition</p> <p>8 adjustment that they put on with the other condition</p> <p>9 adjustment. The other condition adjustment is not this</p> <p>10 one.</p> <p>11 Q. What is the other condition adjustment?</p> <p>12 A. They minus \$722.00, which they do not explain,</p> <p>13 and this one is saying that they're adding it onto it,</p> <p>14 because my condition -- my vehicle -- they say that my</p> <p>15 vehicle condition is in good condition. So that's why</p> <p>16 they're adding it.</p> <p>17 Q. Okay. So let's look at the page right after the</p> <p>18 Vehicle Condition for some guidance on this.</p> <p>19 Do you see the Comparable Vehicles?</p> <p>20 A. Yes.</p> <p>21 Q. So look at the bottom right-hand corner and read</p> <p>22 the Footnote 1.</p> <p>23 A. "The Condition Adjustment sets that comparable</p> <p>24 vehicles due in Good condition, which the loss vehicle</p> <p>25 is also compared to in the Vehicle section."</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. MALONE: Objection. Calls for</p> <p>2 speculation.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: There's no way of knowing if</p> <p>5 it was or was not, and they did it against many</p> <p>6 comparables. So I don't think I can answer that</p> <p>7 question.</p> <p>8 BY MS. WILTROUT:</p> <p>9 Q. Taking it into the context of a private sale, if</p> <p>10 your car was being compared against, by a private buyer,</p> <p>11 against a car with the same options and the same</p> <p>12 mileage, but had been smoked in and had stains on the --</p> <p>13 stains on the seats, would you expect to receive more</p> <p>14 money for your car versus the other car?</p> <p>15 MR. MALONE: Objection. Calls for</p> <p>16 speculation. Foundation.</p> <p>17 You can answer.</p> <p>18 THE WITNESS: I don't -- I don't know how to</p> <p>19 answer that.</p> <p>20 BY MS. WILTROUT:</p> <p>21 Q. When do you remember receiving payment for your</p> <p>22 car from Garrison?</p> <p>23 MR. MALONE: Objection. Asked and answered.</p> <p>24 You can answer.</p> <p>25 THE WITNESS: I don't remember hearing about</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. So would you agree with me that in that section</p> <p>2 of the report, CCC is explaining that they use the</p> <p>3 condition adjustment to set all of the cars at good</p> <p>4 condition?</p> <p>5 A. No, because that makes no sense.</p> <p>6 Q. Okay.</p> <p>7 A. "Sets the comparable value to Good condition</p> <p>8 which the loss value is also compared to."</p> <p>9 Q. So what do you understand goes into the condition</p> <p>10 of a car?</p> <p>11 MR. MALONE: Objection. Asked and answered.</p> <p>12 THE WITNESS: I think we just reviewed that.</p> <p>13 BY MS. WILTROUT:</p> <p>14 Q. Well, I'm asking you -- let me ask it another</p> <p>15 way.</p> <p>16 Other than the components listed in this Vehicle</p> <p>17 Condition Report, are there any other conditions -- or</p> <p>18 are there any other components that you would consider</p> <p>19 to go into the condition of a car?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. So let's just go back to this.</p> <p>22 If your car -- if you -- if Garrison had paid you</p> <p>23 for your car based on the value of a car that had not</p> <p>24 been taken care of, you would not have been happy about</p> <p>25 that, would you?</p>	<p style="text-align: right;">Page 89</p> <p>1 the payment until a year later when my father told me</p> <p>2 about it.</p> <p>3 BY MS. WILTROUT:</p> <p>4 Q. So before -- let me back up.</p> <p>5 Was the -- I apologize if this was asked before.</p> <p>6 Was the -- was the check that you received from Garrison</p> <p>7 -- was the check that was received from Garrison</p> <p>8 deposited into your checking account?</p> <p>9 A. I don't know if it was deposited in my checking</p> <p>10 account. I know my dad deposited it into an account of</p> <p>11 mine, but I do not think it was in a checking account.</p> <p>12 Q. Was it deposited into an account that you have</p> <p>13 access to?</p> <p>14 A. Yes, but I don't see often.</p> <p>15 Q. And do you have any understanding of how much</p> <p>16 that check was for?</p> <p>17 A. Yes.</p> <p>18 Q. How much was the check for?</p> <p>19 A. Is it not the listed price on the CCC One?</p> <p>20 Q. So the listed price on the Market Report is</p> <p>21 6,890.00, but that does not include some of the other</p> <p>22 fees that were paid.</p> <p>23 Maybe if you look at the Claim and Payment</p> <p>24 Information page on that report, that might help you.</p> <p>25 A. So it was \$6,962.70.</p>

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<p>1 Q. Did you receive any other money from Garrison?</p> <p>2 MR. MALONE: Objection.</p> <p>3 Andrea, are we talking about with respect</p> <p>4 to the total loss claim or with respect to her bodily</p> <p>5 injury claim?</p> <p>6 MS. WILTROUT: I'm asking for payments</p> <p>7 received as a result of the accident. So that would</p> <p>8 include the bodily loss claim, but --</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. WILTROUT:</p> <p>11 Q. When do you remember getting the payments? How</p> <p>12 many -- I'm sorry. Let's back up.</p> <p>13 How many payments did you receive?</p> <p>14 A. That would be, correct me if I'm wrong, Mike, but</p> <p>15 I think it's two.</p> <p>16 Q. You should testify to what you remember.</p> <p>17 A. I believe it was two.</p> <p>18 Q. And how much -- Mike, did you want to say</p> <p>19 something? I saw you --</p> <p>20 MR. MALONE: Oh, no.</p> <p>21 MS. WILTROUT: Okay.</p> <p>22 MR. MALONE: I mean, she asked me a</p> <p>23 question, but I'm going to adhere to your request</p> <p>24 that I will not testify for her.</p> <p>25 MS. WILTROUT: Thank you.</p>	<p>1 A. There was \$1,350.00 on November 14, 2016 and \$400</p> <p>2 also on that day.</p> <p>3 Q. Do you remember why -- like do you remember what</p> <p>4 those payments are for?</p> <p>5 A. I don't know.</p> <p>6 Q. Were those payments deposited into your account?</p> <p>7 A. I don't know.</p> <p>8 Q. Who would know if those payments were deposited</p> <p>9 into your account?</p> <p>10 MR. MALONE: Objection. Calls for</p> <p>11 speculation.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: I don't know. I'm the only</p> <p>14 one with access to my main accounts.</p> <p>15 BY MS. WILTROUT:</p> <p>16 Q. Okay. In preparing for this deposition, did you</p> <p>17 look to see what money you had received from Garrison as</p> <p>18 a result of your total loss claim?</p> <p>19 A. No.</p> <p>20 Q. You did not.</p> <p>21 So you don't know, sitting here, how much you've</p> <p>22 received for your claim from Garrison?</p> <p>23 A. Not in like my total accident plus this. I saw</p> <p>24 from my like -- my initial one from my claim, my like</p> <p>25 what this case is about, yes. But not if we're looking</p>
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<p>1 BY MS. WILTROUT:</p> <p>2 Q. How much were the payments for?</p> <p>3 A. Well, they're the one that I just told you, this</p> <p>4 one for \$6,962.70, and then the other one I do not know</p> <p>5 the exact figure, but I think it was around 300,000.</p> <p>6 Q. Okay. Could you go to the document that I titled</p> <p>7 Loss Summary in your folder.</p> <p>8 A. Okay.</p> <p>9 Q. Take a look at these payments. This is a</p> <p>10 screenshot of Garrison's payment systems.</p> <p>11 And first of all, I'd like to mark this as</p> <p>12 Exhibit 4 to this deposition. Thank you.</p> <p>13 (Defendant's Exhibit No. 4 was marked for</p> <p>14 identification)</p> <p>15 BY MS. WILTROUT:</p> <p>16 Q. So I'm not -- I think that -- would you agree</p> <p>17 with me that the first two payments on here, the 50,000</p> <p>18 and the 5,000 relate to your injury claims?</p> <p>19 A. Likely, yes.</p> <p>20 Q. And then do you see the 6,962?</p> <p>21 A. Yes.</p> <p>22 Q. And what date was that on?</p> <p>23 A. December -- sorry. It's a little hard to see --</p> <p>24 5, 2016.</p> <p>25 Q. And then do you see any other payments?</p>	<p>1 at both cases together. No.</p> <p>2 Q. Okay. So let's talk about payments that were</p> <p>3 made in 2016.</p> <p>4 A. Okay.</p> <p>5 Q. Can you tell me which payments that were made on</p> <p>6 -- that are represented to have been made on -- in 2016</p> <p>7 you received?</p> <p>8 A. The \$6,962.70, and the 1,000 -- the \$1,350.00 and</p> <p>9 the \$400.00.</p> <p>10 Q. You remember receiving the 13 -- the \$1,350.00</p> <p>11 payment on 11/14/2016?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 A. You just -- you just told me which payments came</p> <p>15 through in 2016, and I just told you.</p> <p>16 Q. I'm sorry. I think you misunderstood my</p> <p>17 question.</p> <p>18 I asked you which payments do you remember</p> <p>19 receiving?</p> <p>20 A. Oh, I don't remember receiving any of those</p> <p>21 payments.</p> <p>22 Q. Tell me which payments you remember receiving in</p> <p>23 2016.</p> <p>24 A. Oh, none of them.</p> <p>25 Q. None of them. Okay.</p>

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1 You don't remember receiving the 6,962 payment?  
2 A. Uh-uh. I told you I didn't know about that until  
3 a year later.  
4 Q. Okay. Did you ever learn of the payment for  
5 \$1,350.00?  
6 A. I don't know.  
7 Q. What about the 400?  
8 A. I don't know.  
9 Q. So tell me about when you learned about the  
10 \$6,962.00.  
11 A. I asked -- I kind of came across -- I kind of  
12 asked my dad, I was like, "Did -- about the car and  
13 whatever and what had happened with it, and he told me  
14 he had put the money into a stock account. And I was  
15 talking about it with Mike, I think, as well.  
16 I think I talked about it with Mike, and then I  
17 asked my dad about it, and he told me what he did with  
18 the money.  
19 Q. Had you ever talked with him before about the  
20 money that you were to receive from the total loss?  
21 MR. MALONE: Objection.  
22 BY MS. WILTROUT:  
23 Q. Have you ever talked with your dad?  
24 A. No.  
25 Q. Were you driving after your accident? Were you

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1 driving within the first three months after your  
2 accident?  
3 A. I wasn't driving until the -- I had to do driving  
4 lessons again, but it wasn't until 2017 I was driving.  
5 Q. Take a look at the document I saved as  
6 2017.11.14.  
7 A. 2017. Okay.  
8 Q. Have you seen this letter before?  
9 A. One second.  
10 Yes, I believe so.  
11 Q. Do you remember -- let me take a moment to mark  
12 this as Exhibit 5 to this deposition.  
13 (Defendant's Exhibit No. 5 was marked for  
14 identification)  
15 BY MS. WILTROUT:  
16 Q. What does this letter appear to you to be?  
17 A. It's a letter from my attorney going back to USAA  
18 asking about the adjust -- the \$722.00 adjustment.  
19 Q. And when is it -- when is it dated?  
20 A. It's dated in November of -- 14, 2017.  
21 Q. And would you agree with me that this letter was  
22 sent almost a year after you received your payment for  
23 the \$6,962.00?  
24 A. Yes.  
25 Q. Did you see this letter at the time that it went

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1 out?  
2 A. I don't know.  
3 Q. So you testified that you thought -- never  
4 thought that the payment you received from Garrison for  
5 your car was the final payment, right?  
6 A. Yes.  
7 Q. So from the time that you received the payment in  
8 December 2016, did you ever ask Garrison for more money  
9 for your car?  
10 A. No, not that I know of. No.  
11 Q. Did you ever direct your dad to?  
12 A. No.  
13 Q. Did you ever direct Mr. Malone to?  
14 MR. MALONE: Objection.  
15 Don't answer it. That would call for  
16 attorney/client communications. Don't answer.  
17 BY MS. WILTROUT:  
18 Q. Do you remember your dad asking for more money on  
19 your behalf from Garrison?  
20 A. No.  
21 Q. And do you remember Mr. Malone asking for more  
22 money from Garrison on your behalf for your total loss?  
23 A. Am I allowed to answer that one?  
24 MR. MALONE: Yeah, to the extent that you do  
25 not -- to the extent you can answer that without

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1 disclosing attorney/client communications.  
2 If you cannot answer that without  
3 disclosing attorney/client communications, you are  
4 instructed to decline to answer.  
5 THE WITNESS: I don't think so.  
6 BY MS. WILTROUT:  
7 Q. So from the time of payment in December 2016  
8 until you filed the Complaint in 2019, did you ever  
9 communicate to Garrison that you expected any money,  
10 additional money for your car?  
11 A. No.  
12 Q. Do you know if your dad ever communicated that to  
13 Garrison, that you expected additional money for your  
14 car?  
15 A. I don't know.  
16 Q. Do you know if Mr. Malone ever communicated that  
17 you expected additional money for your car?  
18 A. I don't know.  
19 Q. So the letter that we're looking at is dated  
20 almost a year after you received the check, correct?  
21 A. Yes.  
22 Q. Why do you think Mr. Malone waited a year to send  
23 that letter?  
24 MR. MALONE: Objection. Calls for  
25 speculation. Also calls for the potential disclosure



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<p>1 of attorney/client communications. 2 And I would instruct you, Vail, not to 3 answer that question. 4 BY MS. WILTROUT: 5 Q. So what did you drive after your -- what was the 6 next vehicle that you drove when you started driving in 7 2017? 8 A. Well, I didn't get another vehicle for a year 9 and-a-half, but I was driving my parents' cars whenever 10 they would let me. I wasn't allowed to drive a lot, and 11 I wasn't driving a lot. I was scared to drive for a 12 long time. 13 Q. So did you purchase another vehicle to replace 14 your lost vehicle? 15 A. A year and-a-half later, yes. 16 Q. What did you buy? 17 A. A 2019 Subaru Ascent. 18 Q. And was that a new car? 19 A. Yes. 20 Q. And how much did you pay for it? 21 A. I honestly don't know the exact amount. 22 Q. Were you there when you purchased it? 23 A. Yes. 24 Q. Did you negotiate the price yourself? 25 A. I probably didn't do that great a job of</p>	<p>1 Q. So besides the Ascent and the CTS, what other 2 vehicles have you purchased in your lifetime? 3 A. I -- 4 MR. MALONE: Objection. I'm sorry. Hold 5 on. Misstates prior testimony regarding the Cadillac 6 CTS and whether she purchased that. 7 But go ahead and answer nonetheless. 8 THE WITNESS: The Subaru is the only one 9 I've ever actually purchased myself. The other ones 10 were gifted to me. 11 I had a Mercedes C230 Kompressor was my 12 first car, and then I had -- my dad and I switched 13 cars when that -- the Mercedes started having 14 problems when I was in -- later in college, and I got 15 his old Nissan Sentra. 16 And then I took that all over the country 17 until it kind of died, and then that's when my 18 grandfather gave me the Cadillac, because I was 19 really in need of a car, and then I have the Subaru. 20 BY MS. WILTROUT: 21 Q. Did you purchase the Kompressor, the Mercedes 320 22 Kompressor? 23 A. It was a gift -- it was a gift from my parents. 24 Technically, it was still in their name. 25 All of my cars, except for the Cadillac and the</p>
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<p>1 negotiating, but yeah. 2 Q. Was anybody with you when you bought the car? 3 A. No. 4 Q. Did you buy it -- did you pick it up right from 5 the lot at the dealership? 6 A. I had to wait like a few days, but then I got it. 7 Q. And you said you bought the one with all the 8 safety features, right? 9 A. Uh-huh. 10 Q. Did you consider other cars that had different 11 options? 12 A. They all had safety features, but I did consider 13 other cars. 14 Q. Do you remember if you paid the sticker price or 15 the full price for the car? 16 A. Yeah. 17 Q. You did pay. I've done that too before. So 18 that's okay. 19 Did you do any research before you went in to 20 determine whether or not that was a fair price for your 21 car? 22 A. I did a lot of research on other cars, and this 23 one was the cheapest, but with the most safety features 24 and the most features I wanted. So -- and I liked it a 25 lot. So it just kind of worked out.</p>	<p>1 Subaru have been in their names. 2 Q. Were you present at the sale of the Mercedes 320 3 Kompressor? 4 A. No. It was a surprise. 5 Q. Were you present at the sale of the Nissan 6 Sentra? 7 A. No. 8 My dad got it when he -- for himself first, and 9 then we just switched cars. 10 Q. Do you know what the Kelley Blue Book is? 11 A. Yes, I've heard of it. I know what it does. 12 Q. What does it do? 13 A. Dealers use it to help value cars and help them 14 figure out what it's going to resale, but other than 15 that I don't know. 16 Q. Have you ever looked up what the Kelley Blue Book 17 would have been for the 2004 Cadillac CTS? 18 A. No. 19 Q. Do you know what NADA is? 20 A. I've heard of it, but I am not that familiar. 21 Q. Did you look at Kelley Blue Book when you were 22 deciding whether or not to buy your 2019 Ascent? 23 A. I don't know if I looked at it for the Ascent, 24 because I honestly didn't think I was going to buy that 25 car, but I looked at it probably for some other similar</p>

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<p>1 cars.</p> <p>2 Q. So in your Complaint, you are challenging the</p> <p>3 value of your loss vehicle which you received -- of your</p> <p>4 car which you received in December 2016, right?</p> <p>5 A. No. Well, sort of, but what I really am is like</p> <p>6 I am challenging that you all -- USAA did an illegal,</p> <p>7 and they violated the law and the insurance policy with</p> <p>8 the unitemized and random adjustment, I mean, condition</p> <p>9 adjustment. That's what I'm kind of saying.</p> <p>10 Q. Okay. So you're challenging the calculation of</p> <p>11 the value and the payment that was made to you for your</p> <p>12 vehicle, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So that payment was made in December 2016,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. So why -- did you have -- you previously</p> <p>18 testified that you believe that that payment was not the</p> <p>19 final payment; is that right?</p> <p>20 A. It was never a settlement for the total loss,</p> <p>21 yeah. It wasn't the complete one, but yes.</p> <p>22 Q. Okay. So why did you -- why didn't you ask</p> <p>23 Garrison for more money for your vehicle before you</p> <p>24 filed the Complaint more than two years later?</p> <p>25 MR. MALONE: Objection.</p>	<p>1 A. No.</p> <p>2 Q. On the outline, you said you referred to -- that</p> <p>3 you looked at before, do you have that in front of you</p> <p>4 during this deposition today?</p> <p>5 A. Nope.</p> <p>6 Q. So Ms. Fortson, you represent that you -- you</p> <p>7 understand that you're representing a class in this</p> <p>8 case, right?</p> <p>9 A. Yes.</p> <p>10 Q. And I should have asked you this before: Have</p> <p>11 you received any e-mails during the course of this</p> <p>12 deposition?</p> <p>13 A. If I have, I haven't looked at it.</p> <p>14 Q. Have you sent any text messages?</p> <p>15 A. No.</p> <p>16 Q. Have you sent any e-mails?</p> <p>17 A. No.</p> <p>18 Q. Have you received any instant messages?</p> <p>19 A. I don't do that.</p> <p>20 Q. Have you received any --</p> <p>21 A. I don't even have that. So --</p> <p>22 Q. So what do you know about the class of people</p> <p>23 that you are representing in this case; how would you</p> <p>24 describe them?</p> <p>25 A. You mean like the total class? It's a group out</p>
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<p>1 You can answer, if you know.</p> <p>2 THE WITNESS: To be honest, I was probably</p> <p>3 in a better mental space and actually able to think</p> <p>4 about it then.</p> <p>5 BY MS. WILTROUT:</p> <p>6 Q. Where are you taking this -- where are you</p> <p>7 answering these questions from today?</p> <p>8 A. My apartment in Chapel Hill.</p> <p>9 Q. Do you have any roommates?</p> <p>10 A. Nope.</p> <p>11 Q. Are you alone in the room?</p> <p>12 A. Yep.</p> <p>13 Q. During this deposition, other than on breaks,</p> <p>14 have you received text messages from anybody?</p> <p>15 A. Yes, but just family or like random ones that</p> <p>16 told me I have a package here.</p> <p>17 Q. Who did you receive messages from during the</p> <p>18 deposition today?</p> <p>19 A. I got one telling me that -- from a shop telling</p> <p>20 me that something I ordered is in. I got one from a</p> <p>21 package concierge. What else? Let's see. One from the</p> <p>22 family, my sister, and I think that's it while I'm on</p> <p>23 the deposition.</p> <p>24 Q. During the deposition, have you been referring to</p> <p>25 any notes?</p>	<p>1 of North Carolina who are in a similar situation as me.</p> <p>2 Q. And what situation is that? How are they similar</p> <p>3 to you?</p> <p>4 A. They are also owed money by -- they also have</p> <p>5 been afflicted by this condition adjustment from</p> <p>6 Garrison and have been -- they are owed money, as well,</p> <p>7 from Garrison.</p> <p>8 Q. So this class that you're seeking to represent,</p> <p>9 do you understand why Garrison owes them money?</p> <p>10 A. Yes.</p> <p>11 Q. And why is that?</p> <p>12 A. Because they also deducted the same deduction</p> <p>13 from their total loss as they did mine to their totaled</p> <p>14 cars.</p> <p>15 Q. Was it the same exact amount?</p> <p>16 MR. MALONE: Objection. Calls for</p> <p>17 speculation. Lack of foundation.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 BY MS. WILTROUT:</p> <p>20 Q. Have you reviewed any other claim histories of</p> <p>21 anybody else in the class?</p> <p>22 A. No, I have not.</p> <p>23 Q. Have you seen any other Market One reports from</p> <p>24 anybody else in the class?</p> <p>25 A. No.</p>



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<p>1 Q. Would you agree that Garrison owed you the actual 2 cash value of your vehicle -- 3 MR. MALONE: Objection. 4 BY MS. WILTROUT: 5 Q. -- under the insurance policy? 6 MR. MALONE: Objection. Calls for a legal 7 conclusion. 8 You can answer. 9 THE WITNESS: What do you mean by cash 10 value? I don't understand. 11 BY MS. WILTROUT: 12 Q. So take a look at the document that I saved as 13 certified policy. 14 A. Okay. 15 Q. And go to -- well, first of all, take a look at 16 it and tell me what -- tell me what the document appears 17 to be. 18 A. Notary. 19 Q. It may make it easier to ask if you would agree 20 with me that this is your insurance policy with 21 Garrison? 22 A. Yes, it looks like it. 23 MS. WILTROUT: Okay. I'd like to mark this 24 as Exhibit 5 to the deposition -- 6. 6. Thank you. 25 (Defendant's Exhibit No. 6 was marked for</p>	<p>1 A. -- limit -- okay. 2 Q. Sorry. 3 Okay. Would you agree that Garrison owed you the 4 value of your vehicle? 5 A. Yes. 6 Q. And how would you -- like how would you describe 7 what that value should have been calculated? 8 MR. MALONE: Objection. 9 You can answer. 10 THE WITNESS: Fairly. The way, I guess, you 11 know, a dealer or somebody like regularly does it, 12 but other than that, I don't know, but fairly. 13 BY MS. WILTROUT: 14 Q. And is it fair to consider condition when 15 determining that value? 16 MR. MALONE: Objection. Lack of foundation. 17 You can answer. 18 THE WITNESS: Yes. I mean, you all gave me 19 the additional 130. So yes. 20 BY MS. WILTROUT: 21 Q. So how would you propose handling the difference 22 between class members and the different condition of 23 those vehicles? 24 MR. MALONE: Objection. 25 THE WITNESS: I don't know. That's in the</p>
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<p>1 identification) 2 BY MS. WILTROUT: 3 Q. And would you agree that this was the policy that 4 was in place from June of 2016 to October 30, 2016? 5 A. Yes. 6 Q. Would you agree that that is within the date 7 ranges that your accident happened? 8 A. Yes. 9 Q. So if you would, turn to Page 32 of the PDF. 10 And under the section Limit of Liability, what 11 does it say there? 12 A. I'm not at 32 yet. I've gone too far. 13 Limit of Liability? 14 Q. You know what. It's actually okay. 15 A. No, I'm right here. 16 It says, "Our limit of liability will be the 17 lesser -- will be the lesser of the actual cash value of 18 the stolen or damaged property or the amount necessary 19 to repair or replace the property with other property of 20 the like and kind of quality. 21 This amount does not include any reduction in 22 value of the property after it has been repaired, as 23 compared to its value before it was damaged. Subject to 24 above or -- 25 Q. That's okay.</p>	<p>1 realm of my lawyers to figure out. 2 BY MS. WILTROUT: 3 Q. Well, I'm asking you, because you represent the 4 class of these people, and I'm wondering if one of your 5 class members had a car that was in worse condition than 6 yours, do you think that you two should receive the same 7 amount of money? 8 MR. MALONE: Objection. Calls for 9 speculation. Lack of foundation. 10 THE WITNESS: That's not for me to say. 11 BY MS. WILTROUT: 12 Q. Is it your understanding that everybody in the 13 class had a condition adjustment applied to their 14 vehicle settlement? 15 A. It is my understanding that everybody had a 16 negative condition adjustment applied to their vehicle. 17 Q. Do you know what those condition adjustments were 18 for each of the alleged class members, punitive class 19 members? 20 A. I do not know the total. I do not know like the 21 amount. I just know that it was an unitemized and 22 random condition adjustment that wasn't explained. 23 Q. Do you know that the condition adjustments that 24 were applied were inaccurate? 25 MR. MALONE: Objection. Foundation.</p>

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<p>1 THE WITNESS: If they're random and 2 unitemized, you can say they are inaccurate, because 3 they came out of nowhere, and they're not explained. 4 BY MS. WILTROUT: 5 Q. So when you say that the condition adjustment is 6 random, what do you mean? 7 A. Okay. So the condition adjustment that you all 8 gave me that's \$130.00 was explained. It explained why. 9 It explained how you came to that adjustment. It 10 explained every single measure, correct, in the graph, 11 in the chart on the CCC report -- on both of the CCC One 12 reports, but the CCC One report does not explain how 13 they came to the amount of the negative \$722.00. That 14 condition adjustment is not explained. It doesn't -- it 15 doesn't explain how they got to that amount, where that 16 amount comes from, and why it is taken out. 17 Q. Do you know if that condition adjustment -- well, 18 let me ask you this: Do you have any understanding of 19 whether or not you had the ability to ask for more 20 information about how the condition adjustment was 21 calculated? 22 A. Once -- well, didn't Mike Malone do that in a 23 letter in November of 2017? 24 Q. So you're saying that that was -- that was -- 25 that in 2017, your attorney asked for more information</p>	<p>1 A. That I am doing it as a class, not just for 2 myself, for other people as well, and that I am 3 representing everybody else in the case, not just 4 myself. 5 Q. Why did you bring -- decide to bring this case as 6 an alleged class action? 7 MR. MALONE: Objection. 8 Vail, if you can answer that without 9 disclosing attorney/client communications, you can 10 answer that. 11 But if you cannot answer it without 12 disclosing attorney/client communications, I would 13 ask that you not answer that. 14 THE WITNESS: I will not answer that. 15 BY MS. WILTROUT: 16 Q. So you understand that you are seeking to 17 represent a class of other people that include insureds 18 of Garrison, right? 19 A. Yes. We're all within North Carolina. 20 Q. All within North Carolina. 21 Including the time you've spent preparing for 22 this deposition, could you estimate the time you've 23 spent in your role as potential class representative in 24 this lawsuit? 25 A. Time is really hard for me to calculate with my</p>
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<p>1 about the condition adjustment? 2 A. Well, I remember seeing in that whatever letter 3 it was, I don't know if it was doing that or not, but it 4 says, "Why is that there?" If that's asking for 5 information or not, I don't know, but -- 6 Q. And that letter was sent almost a year after the 7 payment was made, correct? 8 A. Yes. 9 MS. WILTROUT: All right. Let's take a ten 10 minute break. 11 THE WITNESS: Okay. 12 MR. MALONE: All right. Thank you. 13 THE VIDEOGRAPHER: The time on the monitor 14 is approximately 2:39 p.m., and we're off the Record. 15 (A brief recess was taken in the deposition) 16 THE VIDEOGRAPHER: The time on the monitor 17 is approximately 2:50 p.m., and we're back on the 18 Record. 19 MS. WILTROUT: Welcome back. 20 BY MS. WILTROUT: 21 Q. Ms. Fortson, do you understand that you filed 22 this class -- this case as an alleged class action? 23 A. Yes. 24 Q. And what is your understanding of what it means 25 to have filed a case as an alleged class action?</p>	<p>1 brain injury, but I can tell you what I've done. Would 2 that be easier for you? 3 Q. Sure. 4 A. So I participate in case and discovery. I'm 5 really involved with the lawyers and what they do, and I 6 continue to be involved. I am constantly involved in 7 the case. You know, I provide information. You know, I 8 stay involved with the case. I keep updated, things 9 like that, and I do everything that's required. 10 Q. Do you know whether there's a trial date set in 11 the lawsuit? 12 A. I don't believe there's a trial date set, but I 13 know it's in Federal Court under Judge Eagles in 14 Greensboro. 15 Q. Do you know what the current status of the 16 lawsuit is? 17 MR. MALONE: Objection. 18 You can answer. 19 THE WITNESS: I do not. 20 BY MS. WILTROUT: 21 Q. Do you understand -- do you have an understanding 22 as to who has the authority to settle the lawsuit? 23 A. I do not. 24 Q. What damages are you personally seeking in this 25 lawsuit?</p>

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<p>1 A. Personally? I'm doing this as a class. So I'm 2 representing everybody, putting their interests before 3 mine. 4 But damages, I would like my -- the damages of 5 the \$722.00 plus anything else my lawyers think would be 6 necessary or appropriate. I think that would be right 7 if you're just seeking damages. 8 I'm also seeking punitive damages, attorney's 9 fees, and a Court Order for everyone for USAA to stop 10 using this condition adjustment. 11 Q. What is your understanding of who would receive 12 the punitive damages in this case? 13 A. Punitive damages would go to everybody that's, 14 from my understanding at least, that is involved that's 15 under the class action. That's my understanding. 16 Q. What damages are you seeking on behalf of the 17 class members in this lawsuit? 18 A. I am seeking attorney's fees and punitive 19 damages, a Court Order for USAA to stop doing it. I 20 want USAA not to be able to hurt drivers any -- drivers 21 anymore, not do this to anybody, and the money that 22 they're owed to other drivers that they've done this to. 23 Q. Do you know how that money would be calculated, 24 the money that they were owed, the other class members 25 were owed?</p>	<p>1 good condition; do you remember seeing that when we 2 looked at that together in the report? 3 A. And that's at 130, not at -- not at negative 722. 4 Q. So let's look at the -- let's look at the report 5 again. 6 A. Okay. Which one, the 2016 or 2017? 7 Q. I only have 2016 reports. The second one is from 8 2016, October 25, 2016 or October 26, 2016, rather. 9 A. Okay. 10 Q. That is Exhibit No. 4, I believe. 11 If you go to Page 10 of the report says, "CCC 12 makes dollar adjustments that reflect the impact the 13 reported condition has on the value of the loss vehicle 14 as compared to good condition. These dollar adjustments 15 are based upon interviews with dealerships across the 16 United States." 17 Do you see that? 18 A. Yes. 19 Q. So that is why your mechanical condition was 20 increased -- the value was increased to 130, because it 21 was not good; it was very good. Do you have -- 22 A. I'm not disputing that. 23 Q. Huh? 24 A. I'm not disputing that. I understand that. 25 Q. Then let's go to the next page, and let's read</p>
Page 115	Page 117
<p>1 A. I do not. I would leave that to my lawyers. 2 They probably would know that. 3 Q. Do you remember getting a -- the condition 4 adjustment of positive 130? 5 A. Yes. 6 Q. What should happen with class members who were 7 given the upward condition adjustment on their vehicle; 8 should they get those? 9 MR. MALONE: Objection. 10 THE WITNESS: I'm not disputing -- okay. 11 MR. MALONE: Objection. 12 You can answer, Vail. 13 THE WITNESS: I'm not disputing that 14 condition adjustment. That condition adjustment is 15 explained and understood and given. 16 I am disputing the unitemized and the 17 random arbitrary adjustment that is the 722 which is 18 under where you see Options and then Mileage, and 19 then there's a negative \$722 across the board on 20 every single comparable vehicle. I don't care if 21 it's under the three or under ten, it's \$722 every 22 single time, and that is not explained or understood. 23 BY MS. WILTROUT: 24 Q. So CCC explained it in their report that the 25 condition adjustment takes the comparable vehicles to a</p>	<p>1 the language on the bottom right-hand corner again. It 2 says, "The Condition Adjustment sets that comparable 3 vehicle to Good condition which the loss vehicle is also 4 compared to in the Vehicle Condition section." 5 A. Okay. 6 Q. So this condition -- would you agree with me that 7 the condition adjustment that's applied, which was 722 8 in your case, set the comparable vehicles to a good 9 condition? 10 A. No. 11 Q. Why not? 12 A. Because if that was the case, then there would be 13 the 130 right there which explains, not the 100 -- 14 negative 100 and -- I mean, 722, which is not explained, 15 and it comes -- a number that comes out of nowhere. 16 Q. So if there's a trial in this case, would you be 17 prepared to testify? 18 A. Yes. 19 Q. Are you prepared to participate in a trial even 20 if it lasts several weeks? 21 A. Yes. 22 Q. And would you be able to attend a trial that 23 lasted several weeks even if it meant missing work? 24 A. Yes. 25 Q. And do you have any expectation that you would be</p>

<p>Page 118</p> <p>1 compensated in your role as class representative through 2 something like a Service Award? 3 A. I understand that that's a possibility. I was 4 recently explained what that is, but only recently, and 5 I know it's not a guarantee, but I also don't expect any 6 special treatment out of this. 7 Q. So what are your expectations for a Service Award 8 currently? 9 A. I -- 10 MR. MALONE: Objection. Asked and answered. 11 Go ahead. 12 THE WITNESS: I just said I don't expect 13 that. I don't expect any special treatment. I'm 14 here for everybody. 15 MS. WILTROUT: I think that's all my 16 questions. 17 MR. MALONE: All right. We're going to take 18 maybe a quick two minute break, if that's okay. 19 MS. WILTROUT: Okay. 20 THE VIDEOGRAPHER: The time on the monitor 21 is approximately 3:01 p.m. We're off the Record. 22 (A brief recess was taken in the deposition) 23 THE VIDEOGRAPHER: The time on the monitor 24 is approximately 3:04 p.m., and we're back on the 25 Record.</p> <p>Page 119</p> <p>1 MR. MALONE: All right. We do not have any 2 questions. We will read and sign, though, and that's 3 it. 4 THE VIDEOGRAPHER: That's the end of media 5 #2 in the deposition of Elizabeth Vail Fortson. The 6 time on the monitor is approximately 3:04 p.m., and 7 we're off the Record. 8 (The deposition was concluded at 3:04 p.m. 9 Reading and signing were reserved) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 120</p> <p>1 CERTIFICATE OF REPORTER 2 3 STATE OF NORTH CAROLINA ) 4 5 COUNTY OF GASTON ) 6 7 I, JACKIE JOHNSON, the official before 8 whom the foregoing deposition was taken, according to 9 the emergency video notarization requirements contained 10 in G.S. 10B-25, do hereby certify that the witness whose 11 testimony appears in the foregoing deposition was duly 12 sworn by me; that the testimony of said witness was 13 taken by me to the best of my ability and thereafter 14 reduced to typewriting under my direction; that I am 15 neither counsel for nor employed by any of the parties 16 to the action in which this deposition was taken, and 17 further, that I am not a relative or employee of any 18 attorney or counsel employed by the parties thereto, nor 19 financially or otherwise interested in the outcome of 20 the action. 21 22 <i>Jackie J Johnson</i> 23 JACKIE JOHNSON 24 MY COMMISSION EXPIRES: August 30, 2021 25</p> <p>Page 121</p> <p>1 ERRATA PAGE 2 PAGE # - LINE # CHANGE AND/OR CORRECTION 3 (AND EXPLANATION) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 THE ABOVE CHANGES WERE NOTED BY ME ON THIS ERRATA PAGE 18 BEFORE SIGNING THE ATTACHED ERRATA PAGE. I HAVE 19 RETAINED A COPY OF THIS ERRATA PAGE FOR MY RECORDS, AND 20 THE COURT REPORTER IS TO ATTACH THIS PAGE TO THE 21 ORIGINAL TRANSCRIPT. 22 DATED: 23 24 IN WITNESS WHEREOF, I HAVE SET 25 MY HAND AND SEAL THIS ____ DAY OF ____, 2021. NOTARY PUBLIC: _____ MY COMMISSION EXPIRES:</p>
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<b>&amp;</b>	<b>130.00</b> 110:8	<b>21</b> 67:19	<b>43215</b> 2:14
<b>&amp;</b> 2:2,11	<b>130.00.</b> 44:3 45:20	<b>2200</b> 2:13	<b>45</b> 13:10
<b>0</b>	46:1 50:4 82:12	<b>22198</b> 120:21	<b>4600</b> 2:4
<b>00068</b> 26:12	<b>14</b> 92:1 95:20	<b>229</b> 71:20	<b>4runner</b> 76:7,9,10
<b>00073</b> 24:6	<b>150</b> 2:4	<b>229.00</b> 55:21 56:9	76:10
<b>00108</b> 44:20	<b>17</b> 1:14 4:5 68:22	<b>24</b> 3:10 63:6	<b>5</b>
<b>00294</b> 1:2 4:14	<b>17th</b> 2:21	<b>25</b> 55:10 67:20	<b>5</b> 3:15 40:10 42:12
<b>1</b>	<b>1:00</b> 79:23	116:8 120:10	42:15 67:20 91:24
<b>1</b>	<b>1:19</b> 1:2 4:14	<b>26</b> 60:7,13 64:19	95:12,13 106:24
<b>1</b> 3:10 4:6 24:12	<b>1:43</b> 80:3	116:8	<b>5,000</b> 91:18
24:13 56:1,5,12,13	<b>2</b>	<b>26th</b> 63:13	<b>5,437</b> 69:15
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<b>1,000</b> 93:8	56:21 80:2 119:5	<b>29</b> 47:18	<b>52.00</b> 42:25
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<b>100</b> 28:18,20 32:5	<b>2009</b> 47:18	58:9,11 85:12	<b>6,560.00.</b> 45:17
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



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